



THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND IN THE YEAR  
1638.

A study from contemporary documents of its origin,  
proceedings and importance.

*This is submitted for the Degree of Ph. D.*



*Degree conferred 17 July 1924.*

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## I..... THE FIGHT FOR THE ASSEMBLY.

On the 15th September , the King's Commissioner for Scotland , James, Marquis of Hamilton, arrived at his palace of Dalkeith , carrying despatches of the highest importance for the destiny of Scotland. Over the contents of these despatches , for a day or two rumour was busy. Excited ecclesiastics and politicians, conscious of the issue at stake , feared a message of a kind to frustrate while it seemed to grant, all their desires. The King was pleased , so ran the rumour , to appoint an Assembly for some date in the spring with its meeting place Aberdeen. No worse place or more unsuitable time could possibly be chosen. Huntly's ten thousand fighting men were not desirable neighbours for such members of a Covenanting Assembly as might brave the rigours of the season and the hardships of the journey to the northern city. But the event proved Rumour a lying jade. A meeting of the Council was called for the 22nd; before which meeting Hamilton laid the royal despatches. On the same day their contents were made public at the Market Cross of Edinburgh. and Scotland was made aware of the King's will, if not his wish. The proclamation dated from Oatland on the 9th September , in ~~the~~ the heavy involved phraseology of such documents , informed the hearers how the King's Majesty out of his pious and religious disposition to the true religion and out of his fatherly care for the removing of all doubts and fears and scruples which might arise in the minds of his subjects for the preservation of the purity thereof , and upon divers great and weighty considerations importing the glory of God , the peace of the Kirk and Commonweal of this Kingdom , gave order that a Free and General Assembly was to be indicted kept and holden at the city of Glasgow the 21st of September next.

The Proclamation was a momentous one; it marked a decisive stage in the dispute between the King and his Noblemen, Barons Gentlemen, Burrowes, Ministers and Commons of Scotland. Stripped of all the highsounding verbiage with which the real situation was glossed over the Proclamation meant that the King had surrendered. Swearing he would never consent , he had consented. The



Surrender though reluctant<sup>2</sup>, came not a moment too soon; indeed later events were to show that he had missed the tide on the flood of which he might have sailed to success. Not in Scotland only was Charles doomed never to play the part of the wise statesman until the opportune moment had passed. But for the moment the Proclamation of September 22nd seemed a masterstroke of policy. It checked the wild vapouring of the extreme men of the opposition while it gave heart to the moderate men who were longing for peace and stability. Any policy was desirable that was likely to restrain the extremists for they were not the sort of men who would confine themselves to words only. More than once since the introduction of the Service Books, mob law had ruled and the people had shown themselves possessed of a bloody devil far above anything that sober spectators could have imagined. The control of such explosive forces now rested in strong hands and some of the ablest brains in Scotland were directing the storm. What their policy would be in the event of the King refusing to hold an Assembly, was clear enough. An Assembly they would have King's consent or no King's consent. To that revolutionary step even moderate men were rapidly advancing. "All this time my mind was afflicted with doubts: I thought the King would never indiet such an Assemblie as we could accept; I saw all was resolved to have one according to their mind, though the King should discharge us; If I went not to it, being required. I foresaw much hurt would befall me; and to it I could not go as I was. In this strait I sought much my God and now he has delivered me out of their thorns. I reasoned with the best of those that was against <sup>and</sup> the Assembly without the King; their reasons I thought not pressing; my reasons I withheld from them but to those who were layde down for it I communicat my mind. Nine of my brethren did give me tollerable satisfaction; at last I went to my Lord Lowdon's house and conferred two nights with him. I returned reasonable well satisfied and well near resolved to countenance an Assemblie, forbid it who would". Such

(1). Baillie's Letters Vol 1, 105. 2/10





was the attitude of Robert Baillie , minister at Kilwinning , a leader of the western party and a disciple of John Cameron sometime Principal and Professor of Divinity at the University of Glasgow and the right hand man of the Bishops in their efforts to establish the ceremonies in the West. Baillie and his friends were quite out of sympathy with the republican tendencies of many of the extremists who had drawn their inspiration from the school of Andrew Melville. Absolute Monarchy had no terrors for them ; they never repented of their adhesion to the notorious Articles of Perth and for a long time they clung with affection to the dream of a modified Episcopacy. That men like these should have been forced to dally with extreme decisions shows the blindness of the royal policy and its folly.

By the autumn of 1638 then, an Assembly with or without the King's sanction had become the policy of the real rulers of Scotland . Indeed so did they take time by the forelock that by the day of the Proclamation , the majority , if not all, of the Kirk Sessions had already chosen the Elders ( and elders of the right stamp who in the coming early meeting of Presbyteries were to vote for three ministers and one elder , to take commission for the General Assembly from each Presbytery. Archibald Johnston, a young lawyer of 27 , an alert and austere covenanting zealot , already looked up to as one of the foremost men in the movement now seen to be one of its most subtle brains, from the royal point of view one of the most dangerous men in the Kingdom, saw in this foresight traces of God's merciful hand , though a more impartial observer might see equal traces of Johnston's genius for intrigue and plot . He was " dashed " so he tells us , when he heard what were the contents of the royal message . Never was there so apparent a mean to divide and ruin the covenanting party . The common people were likely to be led astray by its specious promises . But there were two things " quhairin I thought I saw God's merciful hand to us , .... first in directing us beforhand , at the mentioning of this motion , before the Commissioner's waygoing in August, to resolve and to give our directions for choysing the Commissioners to the Assembly , quhil gif nou we had to direct , we wald hardly haive gottin it weal

(1). Warristoun's Diary 393.





done; next in that we heard the most part of the Commissioners that were chosen from the most part of the Presbyteries, were all honest men and of good report for God's cause in hand. " This confession of the master intriguer goes far to show that the Proclamation was a master stroke of policy; it shows also that the stroke had been delivered too late in the day.

The Proclamation is the climax of a long protracted controversy, to pursue the tortuous details of which is a difficult and tedious task. But no account of the Assembly of 1638 can be intelligible without some reference to the negotiations that passed between Charles and those who since the signing of the National Covenant were assuming or were labelled with the name of Covenanters. From these negotiations we are enabled to see how the indictment of an Assembly was not so much conceded by as wrung from the King; we can see also how month by month the King's sincerity came more and more under suspicion so that when the Assembly did meet, it was an instrument of whetted steel, keen, merciless, suspicious, uncompromising. To the student of today familiar with the story of two centuries of General Assemblies, characterised for the most part by a placid innocuousness it may seem strange that there should have been reluctance on the one hand, to allow, and passionate eagerness on the other hand, to hold any such Council of the Church. But quite apart from such general considerations as the great part the Assembly had played in the history of Scotland since 1560, which had endeared it as an institution, to the patriot; or its stubborn democratic opposition to absolutism upon the throne which had rendered it a nightmare to James, an explanation for the reluctance and the eagerness lies ready to hand. It was becoming clear that Assembly and Episcopacy could not exist side by side. The policy of the Bishops backed by the King had been to depress the Assembly as an institution, to allow it, indeed, to die from inanition. But successful though their efforts were, for something like a generation, the Bishops could not kill out the sentiment that the days of a strong Assembly had been the days of the Church's glory and that the wounds of Scotland would never be healed until her Church folk were once more met

*Demands by the Covenanters given to Laquar.*

*March 27<sup>th</sup>, 1638*

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in General Assembly .Especially did that sentiment find loud expression during the religious ,politieal erisis of 1637 and 1638.Men like Johnston , with their passionate , almost unreason- ing hatred of the Episcopate , saw in the Assembly a means of working out their unfriendly will against the Prelates . From the time of the Concordat of Leith in 1572 it had been part of the constitution of the Kirk of Seotland that Bishops , if there were to be Bishops, were subject to General Assemblies. Little wonder then if the Bishops depressed the Assembly; little wonder also that extreme men clamoured for one. An Assembly of " honest men and of good report " would hold the Episcopate in the hollow of their hands.

Close upon the signing of the National Covenant , to go no further back,the Covenanters entrusted a lengthy petition to the Lord Treasurer the Earl of Traquair, for presentation to the King. In this petition we hear the cry for an Assembly " Exper- ience sheweth the necessity that this Kirke must be assured by ane acte of free generall assemblie and of ane parliament ,that shoe shall neuer be vrged heirafter with aney alterations in pointes of doctrine , diwyne worship, or church gouernment bot that which shall be first aggreid vpon in a lawfull and free generall assembly which is order appointed be God ,observed and prescribed in this churche since the reformation and the prin- cipal meine to giue satisfaction to all men's myndes in matters of religion so far so as is possible ".In another section of the petition it is also emphatically urged that there was no appear- ance of staying the present commotions and combustions in the Kingdom except by a free generall Assembly and it is further laid down that for the keeping of the purity of religion and establishing a firm peace in the Kingdom in time to come,annual assemblies must be restored. " The Commissioners appointed by K. James for the Assemblie at Linlithgow 1606 and wthers acquainted with his Majesties' intentions deelaire that his Majestie was neuer of ane other mynde , bot that the holding of generall assemblies at certane competent tymes was and is a

Articles for the Present Peace April 28



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most necessary meane for preservation of piety and vnion in the Kirke and for extermination of piety and schisme ( quhilk our dolefull experience and innumerable euills following vpon want thereof , doeth undenayablie confirme & ". This petition achieved nothing; but its sentiments are unceasingly repeated during the months that followed. It will be noticed that the demand is not only for an Assembly but for a Free Assembly. The adjective is a candid criticism of the masterly methods by which James had transformed one of the most independent councils of Europe into a mere machine for registering the royal decrees. No Assembly could meet the needs of the country unless it were in a position to be able to act upon its own initiative. But if James had fashioned Assemblies after his own heart, the popular party of 1638 had no scruples about adopting similar tactics as we shall see ; so that Charles could allege with a great amount of truth that the Assembly when it did meet was not "free " Clearly " free" and "freedom" were stock phrses of the polemics of the day. A "free " Assembly was not an impartial one ; that institution alone was free which worked the will of those who boasted of its freedom.

A month or so subsequent to the Petition , on April 28th appeared a document signed by the great names of Rothes ,Cassills and Montrose in which are set down Eight Articles " for the present peace of the Kirk and Kingdom of Scotland ". This document is propaganda. It was intended to stiffen the good resolutions of such noblemen as were exposed to the insidious temptations of the Court. From it we can see that the Covenanters have made up their minds as to what they want. Amongst its demands is the demand for an Assembly and that an Assembly in which Kirkmen might be tried in their Life , Office or Benefice " and kepted in order without trouble to his Majesty and without offence to the people ". Here the Covenanters show their hand ; there is to be an unceasing vendetta against the Bishops. .It is interesting also to note in this manifesto a trait which characterises much of the conflict with the King. There is a desire to raise the sacred person of the King above all controversy. If ill counsels are pursued , evil counsellors are to blame, not the King. If there

appointment of Hamill as High Commissioner.

may 16 38

are heartburnings amongst the people of Scotland, the source of the trouble is in the policy of the Bishops, not in that of the King. And so the Assembly for which an appeal is made is an Assembly that will keep the Kirkmen in order without trouble to his Majesty. There is nothing to show how this solicitude for his convenience appealed to the King. His trouble was not with the Kirkmen. But we shall meet with this insubstantial fiction again and again in the course of the story. The Covenanters can have had no illusions whatever as to who was the moving spirit in the royal policy; their concern may have been a forecast of the modern point of view that the King is above all politics; it was more likely a device to enable the King to escape from the evil effects of his own policy, by making scapegoats of whatever counsellors he may have had or to whom he may have listened.

The general "combustion" and the systematic agitation at last moved the King to action. Traquair had early advised him to do something to free the people of Scotland from their fears about their religion. That done, the wiser sort would be satisfied and it would be easy enough then to meet the insolencies of those who were daring enough to kick against authority. Charles decided to appoint a Commissioner who would go to Scotland with instructions to arrange for the peace of the Church. His choice fell upon James Marquis of Hamilton than whom few men were more suited for the task and in the month of May Hamilton went North but sore against the grain. More than his master did, he recognised the difficulties and dangers of the situation. Before he set out upon his reluctant journey, he laid a questionnaire before the King dealing with the crisis. The questions and answers together with the King's own definite instructions reveal the royal policy. "If they petition for a General Assembly that it may be once in the year" asks Hamilton, "what answer shall be given?" "I will not be tied but as I shall find cause" is the response. It would seem that at this stage the King has no intention of ignoring the place of the Assembly in the constitution of the Kirk, but he does insist that the power of indicting it, lies in his hands and nowhere else.

- (1). Letter dated - March 5<sup>th</sup> from Traquair ~~at~~ Roxburgh, - Peterkin/61.
- (2). Hamilton Papers, vol. 10, Garden, Letter 1, May 1638.
- (3). Peterkin 1/60. 66.



Hamilton arrives in Scotland June 1838

a claim which the Covenanters were prepared to contest. In the Instructions, however, he makes something like a concession " As soon as the peace of the country will permit, you are to call a General Assembly for settling of a decent and constant way of God's worship; we having resolved to call them or to permitt them to be as often as occasion shall require". But his heart is not in the matter, vague though the promise is. At this stage, as all through, he is determined to do everything he could to sow the seeds of disunion among his opponents and so to escape the evil necessity of an Assembly. Hamilton had to play a double game. His real task was to win time for the organising of the royal forces; after which there would be no more nonsense about Covenanters and " other impertinent and damnable demands ". " So to this end I give you leave to flatter them with what hopes you please, so you engage me not against my grounds and in particular that you consent neither to the calling of Parliament nor General Assembly untill the Covenant be disavowed and given up; your chief end being now to win time that they may not committ publick follies untill I be ready to suppress them " Here we have no beating about the bush as to the King's real intentions. It is quite an intelligible policy to pursue and in stronger hands or with more subtle instruments, it might quite likely have been successful. But its success depended largely upon its secrecy and as the Covenanters were reputed to have access to the King's most private instructions, they being forewarned were forearmed, with the result that this Machiavellian policy completely destroyed any faith they might have had in the sincerity of the royal promises.

On his arrival in Scotland Hamilton finds the situation desperate. He has little hope of saving his own head. By the middle of June he is writing to his master with as sad a heart as ever man had. Success in his mission is impossible. " That which now hath maddened them is my refusing to indict a general Assembly and to give assurance of a Parliament to follow. " He blames the " wickett and accursed ministers as the cause of all the evils and the pulpits as the cause of all the mischief. By the end of the

1. Peterkin 1/67. " Instructions of the King to Hamilton.

2. Letter from King to Hamilton June 11. Peterkin 68-9.  
See also letter of June 20<sup>th</sup> for the royal plans - Peterkin 69.

3. Hamilton's letters - letter V. dated June 15<sup>th</sup>.

Supplacabin 8 June 23d

Orclanabin of June 25th

- (1) month his hands are forced. "9 They have prest me so home for the present marching of a general Assembly as I have been forced to tell them that I cannot condescend thereto without the rendering up of the Covenant and the doing of several other things they say they will all louse their lyfes sooner than condescend to. " The Covenant was the crux. To the Covenanters it was the summing up of their highest religious and patriotic aspirations; to the King it was a treasonable document, although he had tried his hardest but in vain, to elicit from his law officers an admission of its illegality. The Commissioners hands had been forced by the
- 2) Supplication of June 23d. This is an almost passionate avowal of loyalty. Covenanters were not traitors. The petitioners had never at any time the intention or the desire to attempt anything which might turn to the dishonour of God or to the diminution of the King's greatness or authority; to the utmost of their power they would stand to his defence; but they must ask the King to look upon the Covenant as intended to be a sincere proof of their fidelity to God and their loyalty to himself and they pleaded for a Free General Assembly and a parliament " quhilk vill undoubtedly redress all our euills ". But side by side with this high
- 3) sounding protestation of loyalty, there was issued a document of quite a different stamp. It was issued in secret and circulated among the hangers on at court whom it warned what the issue would be if the writers were wearied with delays. They were prepared to raise the whole question as to who had the right to call an Assembly; more than that, if violence were used against them they would consider what was fit to be done for the defence of their religion laws and liberties.

Clearly the temperature is rising. Hamilton was in a difficult position. The double game he had to play was an open secret; and could not but fail. There was no sign of concession in Scotland and Charles was not likely to yield at once. Indeed he had no intention of giving way. In the highly excited letter of June 25th,

4) despatched before the Supplication had been presented, he avows that so long as the Covenant is in force with or without explanation

(1) Hamilton Letter - Letter 6. of June 24<sup>th</sup>.

(2) Peterkin 1/70, quoted from Balfour 8/286.

(3) Stevenson p 230. of the Volume edition of 1840 - it gives no reference,

(4) Peterkin 1/70.





he had no more power in Scotland than as a Duke of Venice, a state of affairs he would die rather than endure. If the Covenanters cared to call an Assembly or a Parliament without the royal authority, he would not be much sorry. Such an action would proclaim them to be traitors and would justify recourse to arms, not for the purpose however of imposing novelties but of suppressing rebellion. In the spirit of this letter we may read the Proclamation of June 28th, published at the Cross of Edinburgh on July 4th amid the most intense excitement. Days before a well disciplined body of men equipped with arms ready for action, occupied the street, a grim challenge to the royal authority. Nothing but danger to Religion, Law and Liberty could be expected from the proclamation. That was the meaning of this warlike demonstration. It was an unfair criticism of the King's intentions. The Proclamation was in reality a surrender and not at all an ungenerous surrender on the part of the King, though not so generous as he must have imagined it to be. If we read it in the light of a kind hearted monarch dealing with a troublesome, unreasonable and stiffnecked people (from which standpoint the royal Apologia, The Larger Declaration was written), we may admire its generosity; but it was far too vague to meet the demands of the determined men who armed to the teeth surrounded the Cross. "And what is far more fitting to be agitated in general Assemblies and in Parliament" so runs the section relevant to this sketch "for the good and peace of the Kirk and peaceable government of the same, in establishing of the Religion presently profest, shall likewise be taken into our royal consideration in a free Assembly and Parliament which shall be indicted and called with our best convenience" A promise of that kind is not a promise at all. A direct refusal could hardly be more provocative. Quite apart from the snares lurking in the phrase "the religion presently professt", there are two limitations which nullify the promise. It is for the King to determine the Assembly programme and it is for the King to determine the Assembly date if and when he pleases. That was cold comfort for men before whose minds ever hovered the spectre

(3) of an angry monarch "coming himself in person, accompanied like

(1) Larger Declaration p. 96.

(2) Gordon Vol II cap 68.

(3) Letter of June 25<sup>th</sup>. Peterkin 70.

The Prokstaten of June 28<sup>th</sup>

himself". They greeted the<sup>11</sup> Proclamation rudely. " We all doe  
 marvell that the Commissioner could think to give satisfaction  
 to any living soul by such a declaration ". Meanwhile Johnston  
 (2) had been busy . He had been commissioned to draw up a Protestation  
 that favourite and popular pcontemporary Scots method by which  
 men safeguarded themselves so far as it could be done by law fro  
 the consequences of any such declaration of policy as met with  
 their disapproval. On the 4th he had, in the name of the Noblemen  
 Barons, Gentlemen ,Burrowes ,Ministers and Commons ,read twenty  
 (3) four animadversions of the " damnable points in the Proclamation"  
 (4) Next day he produced the finished article. Like all his efforts  
 it is verbose and tedious but uncannily comprehensive. In it we  
 find set forth the gist of the Covenanting platform. The Covenanters  
 brush aside the King's Assembly promise with scorn ; they continue  
 to supplicate for a free general Assembly , washing their hands of  
 the responsibility for future events , if such a remedy is neglect  
 -ed. A stern note is heard and not for the last time. " Like as  
 that in the great exigencie of the Church , necessitating the use  
 of this ordinary and lawfull remedies for settling the commotions  
 thereof, it is and shall be leasome to us to appoint ,hold and use  
 the ordinary means ,our lawfull meetings and Assemblies of the  
 Church agreeable to the will of God and practise of the primitive  
 Church , the Acts of the Generall Assemblies and parliaments and  
 the example of our worthy reformers in the like case". Here is the  
 challenge then " It is and shall be leasome to us to appoint ,  
 hold and use ...our lawfull meetings and Assemblies of the Church.

(1) Bailies Letters 1/91.

(2) A Protestation is a most ordinary, humble, and legal way of obviating  
 any prejudice, that may redound by any other legal Act, of preserving  
 our right permitted to the meanest of the subjects, in the highest courts,  
 in Assemblies and Parliaments, wheresoever they are not fully heard, or  
 being heard, are grieved by any inequity in the sentence; which is  
 granted by the law of nature and nations, and is the perpetual custom  
 of this Kingdom, to protest in favour of all parties having interest, and  
 not heard, by an express Act, salvo jure cujuslibet, even against the  
 Acts of Parliament - Quoted in Stevenson 230

(3) Warristons Diary - 360.

(4) Peterkin, 71-4.





The Proclamation had not only not eased the situation but it had precipitated the crisis. It is all very well for the resort to be made that it was both hypocrisy and disloyalty

(1) " to be suitors to Us for that which as they say they may both do and are resolved to do without Our leave " Charles must have known that only in the last resort would his opponents have so flouted the royal authority as to hold an Assembly without his sanction . That would be the act of desperate men.

But the Proclamation brought the possibility of such action very near indeed. It is about this time that we find Baillie , the  
(2) moderate reformer facing the question " of our right from God which the Prince may not in law or reason take from us , to keep a General Assemblie ". The question of this right had been simmering in men's minds before; the king's action dragged it out into the open. Baillie is perfectly well aware of the issues involved. " This is the highest string yet our necessities has drawn us to strike on . At my first hearing of it , I was much amazed ; I was utterly averse from thinking of any such proposition , but after some study I find my mood allayed . I intreat you ( so he continues to his correspondent ) to try the mind of Rivett and Voetius if when Prince or state are unwilling , the Kirk may keep a Generall Assembly in times of necessity , though authority may discharge ..... I am feared that this boast of our right , only in policie, as yet they say , be indeedn put in practise ; the events I groan to imagine " We may be certain that Baillie was not alone in his groans nor in his admission of the fact that their meeting in an unauthorised Assembly of their own , would make their hopes of peace desperate for ever. But there were others who gave way neither to groans nor fears. As early as June 29th it was thought fit " to look out in ilk Presbytery for the best affected ministers  
(3) fittest to be chosen Commissioners for the General Assembly and ablest gentlemen in ilk parish to be put upon the Kirk Session that so they may be in option to be Commissioners for the Presbyteries. " The search had begun in good earnest for " the honest men and of good report " .

- (1) Larger Declaration 107.  
(2) Baillie 92. & 95.  
(3) Rothes Relation.

& amulet returns to Gant for further instructions

His return. ~ August.

The situation was daily becoming more and more complicated. Hamilton was finding his task less to his taste than even before. it had been. This ugly question of the right of the Church to call its own Assemblies and the equally important one of the scope and powers of the Assembly which was now raising its head did not add to his peace of mind. He decided to return to court for fresh instructions. By the end of June indeed, he had been compelled to promise that he would acquaint his Majesty with the desires of the opposition. That opposition is now peremptory in its demands. He was allowed till the <sup>fifth</sup> ~~eight~~ of August to procure the fresh instructions; the Tables assured him that during his absence they "would live qwyett but if he returned not against that day or brought with him the expected answer, then they should be holdne free to goe on and prosecute the courses which they had resolved upon". Their "qwyetness" was not a time of fallow for it was during Hamilton's absence that an attempt was made to convince or browbeat the Aberdeen doctors and it seems likely that about this time a forceful piece of propaganda was published as to the right of the Church to call Synods. Hamilton kept his time limit; he returned to find a change for the worse in the people while the news he brought was not likely to ease the situation. The King has gone further along the dreary road of surrender but he has not gone far enough. He is still playing the game of "offering some few thin<sup>gs</sup> whilk could content none, with the likelihood of entering upon second offers after the resolute refusal of the first". Hamilton<sup>n</sup> is instructed to indict an Assembly under certain conditions, the chief being that if possible the Moderator should be a Bishop; that the Bishops should have the right to vote and that the Assembly had no right to meddle with the precedence given to the Bishops. Still a rupture is to be avoided at all costs. Such were Hamilton's private instructions. The official demands are set forth in ten articles. Some of them deal with that practical subversion of Episcopacy that had been proceeding for some time in many of the Presbyteries and do not seem unreasonable. But the articles which deal with the constitution of the Assembly were not likely to win general assent. The provisions

(1) Gordon 2/71.

(3.) Beattie 103.

(2) Letters

(4.) Petition 76-7.

the Long Silver Speech emerges

Hamlet's Condition



of the Assembly of 1606 were to be carried out which laid down that the permanent Moderators of Presbyteries were ipso facto members of Assembly and consequently ought to be Commissioners for their Presbyteries. Such Moderators were not likely to reach the Covenanted standard of "honesty" and integrity and an Assembly with such Commissioners would certainly not be "free" in the Covenanted sense of the term. Conditions like these had only to be stated to be spurned. But one of the articles was subtlety itself and almost achieved the royal purpose of shattering the Covenanted harmony and unity. Article nine runs "The Commissioners from Presbyteries are to be chosen by the ministers of that Presbytery only and no lay person whatsoever is to meddle in the choice nor no minister without his owne Presbyterie" A new question has arisen above the horizon, that of the position and powers of the lay elder. and the royal veto upon the right of the lay elder to assist in the election of commissioners to the Assembly raises a most important and vital ecclesiastical issue which crops up again and again in the succeeding controversy. With the status of the lay elder we shall deal later; what we have to notice here is that the Kings demand was met by a refusal. We say that according to the order of our Church discipline, none but ministers and elders of the Church ought to have voice in choosing Commissioners from Presbyteries. In view of the intransigence of his opponents Hamilton endeavoured to gain his end, by reducing his demands to two. They are of so great importance that they must be given in full for they go to the very heart of the matter.....

1). If the Lords and the rest will undertake for themselves and the rest, that noe laicks shall have voyces in choosing the Ministers to be sent from the severall Presbyteries to the <sup>Generall</sup> ~~National~~ Assembly, nor none else but ministers of the same Presbyterie

2). If they will undertake that at the Assemblie they shall not goe about to determine of things established by Act of Parliament, otherwise than by remonstrance or petition to the Parliament, leaving the determination of things ecclesiastical to the Generall Assembly and things settled by Act of Parliament to

(1) Answers 7 July 28 - Peterkin 77.

(2) Peterkin 78.



Then I will presently indict a Generall Assembly and promise upon my honour , immediately after the Assembly , to indict a Parliament which shall cognosce of all their complaints."

There are two important points in this statement .The first deals with the lay elder. The king was not prepared to admit that the lay elder should have anything to do with the election of Commissioners ; it was not in that way that he interpreted the Order and Discipline of the Church. On this point for the moment he was adamant. His insistence almost led to the long wished for disintegration of the unity of the opposition. The Covenanters were not all of one mind as to the functions of the lay elder. The ministers for the most part looked upon the claim to vote as a novation and of great and dangerous consequence. They tried to shelve the settlement of the difficulty by a vague phrase to the effect that those who had the custom or law in time bygone for choosing should have the power of election .But the laymen were obdurate .They declared that their answer to the royal manifesto must contain a pronouncement to the effect that by the Order of the Church , the lay elder had the right to vote. Unless the ministers agreed to such a pronouncement , they would be left to fight their own battles. There was no remedy but surrender and the Ministers yielded , many of them sorely against the grain and with great jealousy of the " gentrys usurpation over them ". Whether the claim was legally justified or not, there can be no doubt that the laymen adopted the only practical policy. They had either to yield to the King or refuse to yield; a vague statement like that of the ministers led nowhere except to delay and strife. Anyhow the crisis was surmounted ; the king's tactical stroke had failed though success had almost been in sight.

The second point is of no less importance. The dividing line between things ecclesiastical and things political was hard to draw. At first sight it seems a reasonable demand to make that the ecclesiastical Assembly should mind its own business and should keep within the bounds prescribed for it. But Church and State were inextricably commingled. If the Covenanters agreed to such a condition, they were bound to keep their hands off Episcopacy, the status of the Bishops, the Articles of Perth , just the very



The deadlock

questions to deal with which was their main justification as an organised body. Such conditions would make the Assembly anything but free. Besides by this time the highest claims were being made for the powers and privileges of the Assembly. As the Supreme

- (1) Court of the Church, it must be the uncontrolled and final judge in everything relating to its own constitution and membership and it alone must have all cognisance of all matters of doctrine, Church government and forms of worship. Some were prepared to go so far as to hold that although Parliament might give formal
- (2) ratification to the resolutions of the Church Courts, its power to legislate on ecclesiastical matters went no further. It had
- (3) no right to enforce statutes concerning ecclesiastical matters which the Assembly finding to be noisome or unprofitable had decided to abrogate, for the Assembly by the Book of Discipline had the power so to abrogate. Such were the claims of Johnston and the Covenanting leaders. Holding ground so high, they could not agree to the second of Hamilton's conditions. Once more there was a deadlock. The Commissioner was helpless. His instructions did not allow him to indict an Assembly and yet it was quite likely that an Assembly might be summoned in defiance of the royal wish
- (4) Matters went so far that a special Committee of the Tables met in secret conclave. About this time, exhaustive treatises were in circulation, stating the extreme view as to the position of the lay elder in the Church and as to the right of the Church to call its own Assemblies. In face of such proceedings and of the ferment of opinion, only one course lay open to the bewildered High Commissioner and that was to return to court for further instructions. He asked the leaders of the movement, to postpone any action until he had received such fresh instructions. A strong body of opinion would hear of no delay but were urgent for an instant summoning of an Assembly, the chief ministers being as eager as any for such an act of defiance. However, moderation carried the day. Hamilton was given a respite till the 21st September on condition that he would undertake to win the royal assent to four requests, namely; the

- 1) Protestation of September 22<sup>nd</sup>. Larger Declaration 170.
- 2) Protestation of December 8<sup>th</sup>. Larger Declaration 389-390.
- 3) Second Book of Discipline. Book 2, caps. 7.
- 4) Bailie 99.

Hamlet's return with Surnender

full freedom of the Assembly in its members and in its programme the speedy indictment of the Assembly and at the most suitable place, and freedom from interference with letters despatched to England by the Covenanters. On their part the Covenanters agreed to let matters rest until the Commissioner's return on the day appointed. On these terms, the 24th saw Hamilton leave for the Court.

(1) During his visit which was brief he took care to impress counsels of moderation upon the King, counsels that had been approved by a coterie of lords whose fidelity the King could not question. Whatever may have been the effect of these counsels, within eight days Hamilton took the road to the North with fresh instructions. He was to do his best to secure that the same kind of persons were elected to the Assembly as had been elected in the time of King James and that the same forms should be used in the election. But if he failed in this, he was still to indict the Assembly, in such a way as would most redound to the royal advantage. The time and place of the Assembly were left to his own choice, except that Edinburgh was forbidden ground. Her record in the struggle still stank in the royal nostrils. He was urged to lose no chance of disturbing the concord of the enemy. "You must by all means possible you can think of, be infusing into ministers what a wrong it will be to them .... if there must be such a number of laicks to overbear them and likewise you must infuse into the lay lords and gentlemen with art and industry how manifestly they will suffer if they let the Presbyters get head upon them". There was also a message of cold comfort for the Hierarchy. The Bishops, as individuals were to be jettisoned. In the event of an Assembly my Lord of St Andrews and his brethren were to be present to defend themselves and their cause; they must leave their places of refuge in England and make for a convenient centre on the Border where they might be at hand to answer for themselves at the Assembly and to advise with the Commissioner. Such are some of Hamilton's secret instructions. The rest were embodied for the most part in the public manifesto.

Immediately on his arrival on Edinburgh, he issued the great  
(11) Petition 80-81.

The Proclamation of Sebastian 22<sup>nd</sup>



- Proclamation of September 22nd, which indicted an Assembly at Glasgow for the 21st day of September. The Proclamation was a surrender. At first glance, it seemed as if all had been granted for which Rothes and his friends had been struggling. "The King's will was exceeding gracious in the most of our desires, the unhappie books, the Commission also simply discharged, Perth Articles made free, Ministers' entry as we could wish, Bishops subjected to the Assembly, the Assembly and Parliament indicted at the tymes and places we could have desired". But there were two offsets. The King had missed the tide. A generous concession of this kind, made earlier in the day, might quite well have altered the course of events in Scotland and consequently in England for it is generally admitted that the course of events in Scotland set in motion the avalanche south of the Border. But the right moment had passed and besides the fact was patent that the concessions had been extorted not granted. "I did regret" says Baillie "that in all likelihood the best means for the calming of our minds were to grant us all at once what by tyme they would suffer themselves to be driven to by violence. This course is at last taken if it had been a little before used or yet if we could be persuaded of the sincerity of it, matters might go well". There is pathos in that "if". Had Baillie been acquainted with the secret instructions in Hamilton's possession, he might have been even more pessimistic. And yet there is much to be said for Charles. Even royal statesmen are not unerring in their judgement and the King would have been an exceptional figure if with such training as his and with the short sighted advisers who surrounded him, he had been less tenacious of the royal prerogative and dignity. If he failed to do the right thing at the right time, he failed only as a thousand other statesmen have failed both in modern and ancient days. Besides, all political movements can be viewed from many angles and that peculiar ecclesiastical, religious political upheaval of the early 17th century in Scotland. What to even moderate men like Baillie, seemed an impeccable demand for ordinary justice, to Charles smacked and could not but smack, of the divellish obstinacie and malice of factious spirits".

- ✓ 1) Baillie - 103?  
 ✓ 2) Ib. - 104  
 ✓ 3) Larger Declaration 155.



The Protestation

The second offset was the insertion in the proclamation of the new Covenant with which all the concessions were bound up . The new Covenant is undoubtedly an effort to save the king's face . Opinions will differ as to whether the Covenanters would not have been well advised , if they had agreed to it. The King had come so far that for the peace of Scotland his opponents should have been ready to make concessions in their turn . But always in these negotiations distrust of the king's sincerity lurks somewhere or other . " If we could be persuaded of the sincerity of it, all would goe well " There was the rub. Deservedly or undeservedly Charles was not trusted . The new Covenant was looked upon by men in suspicious mood , as a device for sowing dissension among the Covenanters. We have already noted the downcast feelings with which Johnston welcomed the proclamation and the comfort he felt in the results of the foresight of himself and his friends. Much of that depression was due to the new Covenant. The more he studied this new "politick" oath, the more he abhorred it " thinking directly that it was the devil talking the Lord's bou in his hand to outshoot him thairin , to kill him with his awin weapon , sub specie fidei absorbere fidem " The Advocate Sir Thomas Hope , already deep in disfavour with the king for his defence of the legality of the National Covenant , now began to show some signs of wavering from the extreme position " for worldly respects and fears " Johnston ungenerously adds ; but Johnston was uncompromising . So long as he had a share in the counsels of the Covenanters , moderation was not likely to prevail and it must be said for him, that he never lacked for reasons to justify his actions. In spite then of the generous terms of the Proclamation it was met with a most thoroughgoing Protestation, and at the Cross of Edinburgh the well drilled spectators gave utterance to their feelings in words which, if not directly inspired by him, sounded sweetly in Johnston's ears " God saive the King ; bot awaye with bischops , these traitors to God and man or any uther Covenant bot our awin'

This protestation which forms the foundation of the even more exhaustive statement of December 18th is interesting and

- ✓(1). B. J. 104
- ✓(2) Warriston Diary, 392 - 3.
- ✓(3) 26. 392.



important as an adun<sup>20</sup>bration of Covenanting policy. It is ,  
 however , not free from the charge of being hypercritical. Hamil-  
 ton also is not far from the truth when he informs the king that  
 it was meant for no other end than to keep the people from  
 being satisfied and to hinder them from subscribing the new  
 Covenant. Many were indeed satisfied. The majority of the minis-  
 ters appear to have been satisfied. When the protestaion was  
 read at the Cross, Mr Harie Rollock , Minister at Edinburgh , ap-  
 peared for the Ministers . But in reality he appeared only for  
 himself and those of his way of thinking ; he certainly did not  
 (1) represent the Table of Ministers as Montrose represented the  
 Noblemen. But it was just this satisfaction that made the Protest-  
 ation very necessary from the point of view of the leaders. They  
 are not quite sure of their ground. ; at any moment the solid rock  
 beneath their feet might become quicksand . And so they had de-  
 termined to agree to nothing that was likely to hamper their  
 liberty of action . By a skillfull turning of the King's words ,  
 (2) they find that the Assembly so indicted is not a little pre-  
 judged in its liberty. They find the Service Books are discharged  
 but what guarrantee have they that the King may not reintroduce  
 them ? The Perth Articles are discharged , so far as practising  
 them is concerned , but the King still stands by the Acts of  
 Assembly and Parliament which established them. Worst of all it  
 is assumed that the Bishops must be members of the Assembly , in  
 blunt defiance of the claim that the Assembly alone had the righ<sup>t</sup>  
 to judge as to its own constitution, membership and business.  
 All these objections are valid so far as the letter goes ; but  
 it might easily be debated whether a wiser statesmanship would  
 not have accepted the Proclamation in a generous spirit. The  
 main result of the Protestation was to harden the king's heart  
 and to widen the gulf between him and his subjects . He has less  
 scruple than ever in trying in every way to nullify the pro-  
 mises he had been compelled to make to a hard ungrateful  
 people, who had encountered his gracious Proclamation with such  
 3. an impudent , insolent, seditious and senseless Protestation. "

(1) *Larger Declaration* 185.

(2) *Ib.* 157 et seq.

(3) *Ib.* 183.

Charles advises Annuletta how to conduct the Assembly

## II. PLOT AND COUNTER PLOT

The struggle did not end with the indictment of the Assembly, for the weeks that preceded its sitting are as stormy as any that went before. They show, on the one hand, what efforts the King made to ensure a docile Assembly, and on the other, how the Covenanters soon took control of the situation that the Assembly when it did meet, was little else than the mouth piece of their most uncompromising in their ranks. In this phase of the struggle as in the former, the King suffered defeat.

Charles had determined to clip the wings of the Assembly if it could not be prevented from meeting. He was convinced that two things were at stake, the Episcopacy and the Monarchy not without ground so far as the former is concerned. Hamilton. ~~Hamilton~~, overawed by the seriousness of the juncture..." If your Majesty knew all " he writes " it was no time to sleep ". is certain that Episcopacy was to be declared unchristian and in addition, he sees, under cover of the ecclesiastical movement a political agitation which aimed at the subversion of the Monarchy. This report confirmed the King's own fears, though there is little evidence that Hamilton had read aright the sentiments of the majority of his countrymen towards the Monarchy. They might and did challenge the royal pretensions at absolutism in ecclesiastical affairs; later events were to show that the throne itself had the surest of places in the affections of all but a minority. But when we put ourselves in the place of a King very jealous for his prerogative which had been challenged, we cannot but see that he had occasion for alarm. He takes what action he can. The Council is instructed to attend the Commissioner until the ending of the Assembly, to assist him with their best advice and opinions and to prepare and digest everything that might conduce to bring to a peaceful and happy end, the business to be treated upon in the Assembly. Further if any propositions are made which might seem to derogate from Royalty or the true estate of Monarchical Government already established within the Kingdom or which might impede

(1) Hamilton letters - September 24<sup>th</sup> - p 29. (2)

✓ (2) letter Oct 5 p 37.  
ans. ib. Oct 14. p 40.

(3). Letter from King to Council, Oct 1, L. Declaration 233





the peaceable conclusion of the Assembly, the members of Council were urged to assist the Commissioner to the utmost of their powers. In other words the Council was to overawe the Assembly and might quite well have done so, had there been in the Council that unity which the King expected. But it was a broken reed." Some of our numbers being too great favourers of their (the Covenanters') ways did more than continuance these divisives motions. I need not name them to your Majesty or rather him, for one man at this time is more than sufficient to do a world of mischief. Was the one man Argyle? Meanwhile the royal military preparations are being pushed on, the King feels it to be equally dangerous whether the Covenanters should be alarmed by his preparations or whether they should believe that he was afraid of displeasing them. By the 15th October, Hamilton is tired of diplomatic effort; force he thinks now to be the best weapon. <sup>In a letter dated Oct 15</sup> On the 20th definite instructions reach him from Court. "For this General Assembly though I can expect no good from it, yet I hope you may hinder much of that ill; first by putting divisions among them concerning the legality of their elections, then by Protestations against their tumultuous proceedings. And I think it were not amiss if you could get their freedom defined (before the meeting), so that it were not done too much in their favours. And I hope you will remember to weigh well the Propositions for the Assembly and send them up to me with all convenient speed". These precautions were all well warranted but they do cast a rather sinister light upon the character of the royal generosity and upon his notion of a Free Assembly.

Hamilton had enough and to spare of his thankless task. An effort made to win the allegiance of the country to the King's Covenant was to all intents a failure. From the Lords of the Clergy who had been warned to be ready with their advice, he did not receive much wise counsel. <sup>Such is the inference from his letter of October 22nd</sup> They advised an attack upon the legality and validity of the Assembly. Even Canterbury's opinions were called upon and Hamilton lays before his Grace the way and manner that I intend to proceed in this assembly, a matter on which Laud was about the

(1) Hamilton letters - Sept 27, p 32.

(2) King to Hamilton, Oct 9th - Petition 93

(3) Jb. Oct 15. p. 45

(4) King to Hamilton Oct 20th - Petition 93.

(5) Jb. Oct 22, p 46 et seq.

hulky, Prologue. Orsabe. which?

most unsuitable adviser he could have chosen.

If the Assembly could not be nullified, it might at least be prorogued; the Bishops would be satisfied with prorogation and they were unanimous in their opinion that it was fitter for the King to prorogue than to keep the Assembly. But Hamilton saw deeper into things than the now quaking Bishops. Such action would be fatal. Belief in the King's sincerity already waning could never stand such a strain and it would be the height of folly so to play into the hands of the opposition. The Council itself acting as a unity only upon the promise of an Assembly would break up into its discordant elements. A third course was possible. The Assembly having met might be dissolved, the course actually adopted, But Hamilton is under no illusion as to what the result of dissolving the Assembly would be. The members would refuse to dissolve; obedience was not to be expected from them. But such a step would be better than prorogation for if the Assembly were prorogued, it would still be kept and in all likelihood kept at Edinburgh, the worst of all places. He had heard too that the Combiners if they were driven to it, would go so far as to call a Parliament. But the King was to have no fears. The Commissioner would manage to deal with the situation. "What I cannot do by strength, I do by cunning". In this full and important letter, dated October 22nd, he touches upon another matter. Royal Assessors had played a part in previous Assemblies, men chosen by the King to advise who while they were not elected members, still had the right to vote. This privilege... a privilege by which the dice could be loaded in the King's interest... was not to pass unchallenged "I do conceive that they will hardly admit of any assessors in this assembly for your Majesty, yet we must not lose that privilege", so writes the perplexed Commissioner. He sends to Curt a list of men likely to make good Assessors. Among them is Lorne "from whom no good is to be expected". Was his inclusion among the Assessors an effort to muzzle a man who was likely to be dangerous?

Hamilton's paper

The Proclamation against arms

The threat of outlawry

We have Hamilton then acting under general instructions to do all that he can to make the Assembly futile . We did his best but if his letters can be trusted never was there a more unhappy man . His Council could not be trusted . Few were the hearts that were right to his Majesty . The more he struggled, the worse grew the situation and the more overweening the claims of the Covenanters. " They have of late got a new tenet which is that what the Assembly concludes on in matters of Religion , they are obliged not only to believe but to second with their best endeavours , holding the infallibility of that Assembly as much as ever Roman Catholic did the Conclave of Rome " ( That is a very fair statement for an opponent of the point of view of the Assembly partisans ). Only the King's kindness keeps him from going mad . His heart would burst if he did not live in hope to see the villains punished . For a moment or two Walter Balconquhal soon to be Dean of Durham , gave some comfort . His efforts at sowing dissension seemed to be successful " The heath brought it to pass thatt the best and greatest part of the ministrie will be on your Majestie's side , I am confident shortly " . And yet that ray of comfort could not have been very dazzling for Hamilton in a letter written to Huntly on the day before he wrote the above to the King , admits that any hope he had of effecting anything in the Assembly had almost vanished. The Commissioner may have been guilty of some times spicing his wares for the royal consumption. That the situation was desperate may be seen from the two half hearted efforts he made to stem the current as the hour of the Assembly drew near . Commissioners were forbidden to attend the Assembly with more than their ordinary retinue or to carry arms except such as were allowed by the laws of Scotland . There was some reason for such an order ; it was undesirable , to say the least of it , that an ecclesiastical Assembly should become an overbearing meeting of armedmen. The second measure has less to be said for it . Commissioners who were in debt <sup>on their taxes</sup> were to be put to the horn , the assumption being that in times so troubled , a fair number might be liable to such a penalty and in consequence would be kept from attending the Assembly. Both

(1) Hamilton letters - NW. 2<sup>nd</sup>, p. 49 et seq.

(3) Hamilton letters, NW 12, p 56 and note.

(2) 26.

NW 5<sup>th</sup> - 56.



The Resurrection of Elderships

measures failed. That<sup>25</sup> against arms was ignored ; so great was the outcry against the second that the Council withdrew it. Nothing was accomplished except to embitter feelings already too bitter.

Hamilton then, for the King would have done much but was able to do little. The will was present but not the deed. Over against the futility of the royal efforts, is the efficient intrigue and counterplot of the Covenanters . Many elements enter into that counterplot , but of surpassing importance is the assertion by the laymen of their position to which it was claimed they were entitled by the constitution of the Church. By the summer of 1638 , the policy of the Covenanters had come to be a war to the death upon the Bishops. But how were they to be fought . The ministers as a body could not be relied upon. Amongst their number it is true were many to whom even the word Bishop was anathema , but there were many also who had no conceivable complaint with a form of Church Government with which they had been familiar for a generation. But amongst the laymen were men of great influence and power and force of character who for one reason or another were merciless towards the Lords of the Clergy and in consequence to Episcopacy . If it were possible for such men to become members of the Assembly , the battle was already half won . How could they be made use of ? . The answer was simplicity itself... the restoration of the lay elder to his due place in the Councils of the Church. It is not easy to decide whether this movement was inspired by a genuine desire to see once again the former " face of the Kirk " in all its beauty or by a desire of the extremists to seize an effective weapon that lay ready to their hands. We may postulate a mingling of both factors . We have already noticed that in his Ten Demands of July 28th, the King was aware of this movement and tried to crush it. No lay person was to meddle with the election of Commissioners to the Assembly when such was indicted. The King's demand almost destroyed the unity of the Tables. The ministers were not enthusiastic for the reintroduction of the lay elder ; the nobles insisted upon their reintroduction and

(1) *Garrett's Draw. May 4<sup>th</sup>, p 347.*

(2) *Supra. 13-14.*

## The Power of Ruling Class

and under threat of leaving<sup>26</sup> the Ministers to fight their own battles carried the day . Matters could not be left in a state so unsatisfactory . The indefatigable Johnston was set to work " The Lord moved him and enabled him to clear the whole question ( of lay elders ) , from the Book of Discipline and Act of Parliament of 1592". The paper was sent down to Presbyteries under the title .." The Power of Ruling Elders proved from the Constitutions and Acts of our Church and the consent both of her friends and enemies ". Johnston's readiness for every emergency is significant ; significant too is the ingenuity by means of which he found weapons to accomplish the master passion of his life , " the utter overthrow and ruine of Episcopacie, that great grandmother of al our corruptions novations, usurpations , diseases and troubles ".

The paper on the Power of Ruling Elders is a fair and accurate statement of the Presbyterian position . Summarised it runs thus.... From the First Book of Discipline three these points emerge . The Elder had a place in the Church. Amongst other powers he had the right to admonish and correct the Minister and along with the Superintendent to depose him if need arose. If along with the Superintendents they had such powers, they must have carried over such powers into the Presbyteries which took the place of the Superintendents . It was the duty of the Elder also to attend the Church Councils The Assembly of 1562 ordained for the repairing of a minister and elder from each parish to the synodical conventions . In the Assembly of 1568 a resolution was passed that Commissioner of Shires and Ministers who were to be sent to the Assembly, should be chosen at the synodal convention of the diocese with the consent of the rest of the ministers and gentlemen who shall convene at the synodal convention . From these resolutions it is quite clear that though Presbyteries as such were not yet in existence, the principle is laid down which authorised the presence of the Lay Elder at the convention of Synods and at the election of representatives to the General Assembly , representatives who were chosen by the consent of both ministers and laymen.



What was fluid in the early constitution of the Reformed Church, was solidified in the Second Book of Discipline, of the year 1581, if we may take as its date the year when it was registered in the Acts of the Kirk. The Presbytery now begins to take its present shape and the Lay elder to have his office magnified. The Lay elder's task is plain. It is to hold Assemblies with the pastors and the doctors for the establishing of good order and the execution of discipline. Out of every congregation some of the elders are to be chosen to concur with the rest of the brethren in the common Assembly, namely the Presbytery and to take up the "dilations" of offences within their own Kirks and to bring them to the Assembly. The argument of the treatise then is this "The rule of proportion requires that if elders have a place in the session of particular kirks, they should also have a place in the Presbyteries and Provincial and National Assemblies; and reason requireth that seeing the National Council represents the whole Church, some of all sorts and callings of men ought to be present and to give sentence, and the rather because the matter of faith and religion is a common cause and ecclesiastical persons should not lay yokes upon Christians against their will". Such is the argument. In matters dealing with constitutional issues, however the rule of proportion and the requirements of reason are broken needs upon which to lean. The vital question is, in a word, Did the Lay Elder, in actual practise, ever have a place in the presbytery? Facts are brought forward to show that from the very first erection of Presbyteries, the right of the lay elder was insisted upon; and even in 1638 old memories could go back to the day when gentlemen kept the Presbyteries.

That the Lay elder had a seat in the Presbytery is undoubted. In 1638 the Second Book of Discipline, so far at least as concerns the parts which were legalised in 1592, was still part of the fabric of the Church, though as things were, not a much admired part in every quarter. Until the Act of 1592 was annulled, no legal grounds could be taken against the lay elder and his activity. Only one argument of weight can be urged against them and that is an argument not so much against the



Objections against the Uoas

principle involved as against the rehabilitation of the elder ship. For many years elders had not exercised their rights ; had the long disuse invalidated that right? The King's party held that it did. But the Covenanters were on much former ground when they said No. It is true that laymen were much to <sup>be</sup> blame for not asserting their rights , but it had been the deliberate policy of the Bishops to minimise the share of the layman in the government of the Church and the <sup>rapid</sup> or ill conscience of some ministers and the negligence of the laymen themselves could not abrogate the constitution of the Church. While it must be admitted then that the position of the layelder as an office bearer in the Church was greedily seized upon as a weapon with which to fight the Bishops , and while the Larger Declaration may be right when it claims that the noblemen claimed their constitutional rights to save themselves from the tyranny of the ministers , nothing unconstitutional was done when the lay elder was brought back into the councils of the Church . Lang in his History of Scotland has no hesitation in admitting this fact and Lang's bias was certainly not towards the Covenanters But the contemporary arguments against the lay elders and their functions are most unconvincing. They consist of much of the abuse that is characteristic of the period. There is a sneer at the absurdity of the King having no more power in the Assembly than Thomas Patterson a Taylor of Edinburgh , who sat as a Commissioner . There is Hamilton's jibe at elders who were overruling elders a jibe that he doubtless enjoyed and to the credit of which he is entitled . Overruling they were in the sense that they did have a strong grip of the situation .

We should find the case put against them at its strongest in the manifesto in which the Bishops "declined " the Assembly. There however objection is taken not to the elder qua elder , but only to the elder's vote in the election of Commissioners to the Assembly, more especially in the election of the Ministers. "The Commissioners for the 'Clergie are chosen by laymen contrarie to all order decencie and custome of this Church which they pretend to follow; the Presbyteries formerlie never associating to them-

(1) Gordon's History 2/82.

(2) L. Declaration 170. 306/170. 306.

(3) Peterkin. 99 et seq.

(4) Larger Declaration 190.

(5) Hamilton's closing Speech. Peterkin. 144.



Lay-elders in the election of Commissioners to the Generall  
 Assemblie , but onlie for their assistance and correction of  
 manners ..... And by the Act of Dundee 1597, whereby it is pre-  
 tended that Presbyteries have authoritie to send these Lay  
 Commissioners , it doth doth in no wyse appear that these Lay  
 elders had anie hand in choosing of the Ministers ". It may be  
 quite true that there was no evidence to show that Lay elders  
 had helped to elect the Ministers who were Commissioners. But  
 as a matter of fact , in the Book of Discipline, the mode of  
 electing Commissioners is never touched upon at all. This was  
 the first occasion upon which any doubts or scruples had arisen  
 and one has the suspicion that the doubts and scruples would  
 never have arisen from the King's party at least, had the lay  
 elders of 1638 been better disposed towards the Episcopacy..It  
 would seem that if it were the duty of the Presbytery to elect  
 Commissioners, as indeed it was , the Presbytery as a whole  
 must have elected, both lay and cleric . In the Act of 1597, it  
 may not be stated in actual words that the laymen had a share  
 in the election of the three wisest and gravest brethren ; on  
 the other hand it is never stated that they had no share. That  
 is the first main objection. The Lay elder had no right to meddle  
 with the election of Commissioners.

A second objection is taken to his taking an active part  
 in the Assembly " Nor doth it stand with Reason, Scripture or  
 Practise of the Christian Church that laymen should be author-  
 ised to have decisive voyce in a Generall Assemblie . In the  
 Act of 1597..... there is no warrand expressed for them to  
 deliberate and determine . Thier presence and assistance we  
 approve, being allowed by the Prince ... But that anie layman  
 except he be delegate by Soveraigne authoritie shall presume to  
 have a definite and decisive voyce, we esteem it to be intrusion  
 upon the pastorall charge and without warrand ". As an ex  
 cathedra pronouncement this is interesting enough , but it does  
 seem to be wide of the mark. If elders were to be sent to the  
 Assembly as the Act of Dundee authorises, they were surely sent  
 to take part in its deliberations and not to sit as silent  
 ornaments. The Assessors were there to give advice; surely the

(1) Dechnatn Sec. VII ✓  
 (2) Dechnatn Sec VIII ✓



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business of the duly appointed elder was to take a full share in the deliberations and in the voting.

Hamilton's closing speech to the Assembly ,argues after much the same fashion .That speech , as we find it in the

(1) "Proceedings of the Assembly " is disjointed and scrappy. Burnett gives in more ornate form what was said or what at least was meant to be said .He has two main objections to the legality of the Assembly or rather sets of objections. In the first he lays hold of the way in which the elections had been carried out and in this as we shall see, he touches the quick. Many of the elders were unsuitable while worst of all ,in the elections themselves the Ministers had often been in a minority. The presbytery of Lanark right in his own country had been a glaring instance of such a state of affairs. These facts may well be true but they have no bearing upon the constitutional question at issue. On that point (and this is his second main objection) ,he has nothing to give but an ipse dixit " Ruling elders can have no voice here nor any Minister chosen Commissioner by Ruling-elders because no such election is warranted either by the laws of this Church or Kingdom or by the practise of either ". To such a pronouncement the Covenanters as we have seen had an answer and they had an answer also to the argument from desuetude upon which he harped and upon which the Larger Declaration waxes

(2) eloquent.

What is the conclusion of the whole matter ?. Lay elders may have been unknown to Christendom before the time of Calvin ; the lay elders of the Assembly may have been quite incompetent to judge of the high and deep mysteries of Predestination,.....of the Antilapsarian or Postlapsarian opinion of Election and Reprobation ; they may have been unworthy of the high responsibility of determining the fate of the Kirk of Scotland, They may have been all that and much more. The eldership may or may not be a innovation in the Christian Church. But the point at issue is simply this ..Was this Office or was it not, recognised in the Constitution of the Church of Scotland in the year 1638?. The Book of Discipline the unrepealed ex-

(1) Peterkin 116 and.

(2).



Arrangements made for the electrons

expression of that Constitution admitts the Officen and the practise of a series of Assemblies gives corroboration .There may be some doubt as to whether the lay elder was entitled to vote in the election of clerical Commissioners to the Assembly. The point is left unsettled ,perhaps just because it had never appeared before , but it is a minor point and there is no enactment forbidding them so to vote .But when we leave the constitutional question , we may find it hard to get away from the conviction that the resurrection of the eldership was a political device thrust upon a shrinking ministry by men who had made little effort to keep the office from falling into disuse and who made use of it only when " they had a particular to do ."But if it was a political trick , James and Charles by their exaltation of the Episcopate must share the blame equally with the Covenanting Lords.

#### The weapon in action

Johnston's persuasive words of August 18th kept the unity unbroken and it was not long before the Tables brought into action their newly restored weapon of lay elders who had a right to sit and vote in Presbytery and Assembly. Their measures were thorough and in some degree open to the charge of unscrupulousness .By the middle of August as we have seen,their patience was near an end. Hamilton had gained ,only after a great struggle ,a breathing space. He was given time to lay the requests of the Covenanters before the King while he had their promise that until his return on September 20th ,action on their part would be delayed. This promise of delay cannot be disputed . Baillie puts it in unmistakeable language ." So soon as the Marquis had gotten our promise of leaving all things as they were till the 20th September .... he went away toward Court. ".What did Hamilton understand by this promise?. He certainly understood it to mean that no preparations would be made for the threatened summoning of an Assembly until his return .If that is too strong a statement ,he certainly expected that there would be no election of Commissioners.With that interpretation most fairminded readers would agree. Now the Tables kept their promise to this extent that they saw

✓(1). Gordon 2.22.

✓(2) Baillie 100.

✓(3) Larger Declaration.

Arrangements made for the electrons

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✓(4). Gordon 2.22.

✓ (2) Baillie 100.

✓(3) Larger Declaration.

The Papers. Public and Secret.

(1)

(2)

(3)

(1.) Parlier 102, says that the election of Proslavery representatives began early in the year.

(2) ✓ It must be noted that Johnston and his friends did not understand the promise in the same sense as Hamilton. Perhaps they meant nothing more than that they would not summon an Assembly, without the royal consent.



(1) Instructions to Presbyteries

and the invaluable Johnston. They are certainly not keeping the spirit of the truce for they drew up a series of documents which contained directions " publick for Presbyteries and private for trusty persons ". It is not easy to see what right this Committee of Ministers had to dictate to the Church and why the Church through its Presbyteries for the most part accepted that dictation is strange or would be strange if the seat of real authority in Scotland had not by this time been transferred from the <sup>crowm</sup> crown to the Tables. Besides for a generation the executive of the Church had been the Bishops ; they were not likely to organise the Assembly and failing them , there could be no executive but a self-appointed one.

What were the documents drawn up by this junta ? An air of mystery hangs over some of them . They are five at least , in number . The first is a letter of Instructions to Presbyteries of which a copy survives endorsed by Johnston's own hand , It is characterised neither by brevity nor conciseness. The sentence once begun seems never to know how to end. But the gist of the letter is an exhortation to use in the dark days through which they were living " the remeid of a General Assemblie , a privelege in this land for a long time ~~neglected~~== though unjustlie interrupted " " So that if this remedie be neglected we see no appearance of recoverie or settling of true religion amongst us bot all must goe to confusion and our Lord and his people heir be divorced ane from another , quhich should affect us more than the severing of our lyffis from us " The letter closes with a paragraph which means business " And after the 20th day of September , the tyme appointit for the return of His Majestie's Commissioner , with your best convenience chuse your Commissioners according to the directions to be delyvered with these to you , so that they may repair hither to Edinburgh before the first of October or so soone as may be , to convey with the rest of the Commissioners and to receave His Majestie's last answer from His Majestie's Commissioner , fra quhom we expect the present indiction of a frie General Assemblie ..... or upon refusall yrof ( which God forbid ) to advise and resolve upon such lawful remedies as may cure our present ills " .

There

(2) Treatise on the Church

(3) Paper for Guidance of Presbyters

is surely something paradoxical in choosing Commissioners for an Assembly before ever the electors can be sure there is an Assembly to which elections can be made. Not the least weighty part of the letter is the list of signatures attached, for in it there were names popular enough and formidable enough, by themselves to convince any wavering Presbytery.

The second document was the treatise upon the Eldership, drawn up by Johnston out of the stores of his ecclesiastical knowledge. With it we have already dealt. The third document is (1) of very great importance. As no Assembly had met for many years and as the last six Assemblies were of doubtful validity in the eyes of many of the Covenanters, the Tables thought it advisable to send down instructions for the guidance of Presbyteries when they held their elections. There was need for such guidance as the ignorance upon points of procedure was great, but it may be argued and was indeed argued from the king's side that the Tables went beyond advice and attempted, unfairly, to restrict to their own faction, the membership of the coming Assembly. The Instructions come under eight heads which may be summarised as follows ;

1). Every Presbytery was to be in possession of a copy of the Act passed by the Dundee Assembly of 1597, according to which Act each Presbytery was entitled to send three of the wisest and gravest of the Brethren, along with one Commissioner as representative of the Barons. Every Burgh had the right, also to send a Commissioner with the exception of Edinburgh which could send two.

2) A form of Commission to the Assembly was enclosed of which a copy had to be in the hands of each Commissioner. That Commission does not disguise the fact that the Assembly had not yet been indicted ; it is only at the stage of being " expected shortly ".

3). The third section provides for elections being carried through in accordance with the Act of 1597. Sessions were to send one each of the most qualified elders so that on the day of election, by common consent of Ministers and Elders the three ministers and one lay elder should be chosen by



each Presbytery . A <sup>35</sup>note is added to the effect that such is the constitutional procedure in the Presbyteries .( The Tables never lost an opportunity for propaganda .)

4). Efforts were to be made to prevent the election of any whose lives were a scandal or whose doctrine was erroneous. If any such were elected , " all the best affected both Ministers and Elders should protest and come to the Assembly to testify the same " .... Here is the old story of the boni and the improbi. If the advice of this section was given ear to, the members of Assembly would be all of one way of thinking ; there could be no opposition to the dominant party; there would be a purge far more thoroughgoing than that of Colonel Pride . The cynical observer might also be tempted to comment upon the strange fact that in the ranks of those who favoured Episcopacy and nowhere else were, to be found those whose lives were a scandal and whose doctrines were erroneous.

5). Each Presbytery was furnished with a copy of the Printed Reasons for an Assembly , a paper published contemporaneously with the treatise on the Eldership.

6). No Moderator of Presbytery by virtue of his office alone, could become a Commissioner. He had to stand election.

7). Presbyteries were urged to meet immediately after the 20th September and not later than the 25th to hold their elections. The elected Commissioners were expected to be in Edinburgh before October 1st , there to wait for the King's reply.

8). A fast was recommended for September 16th , " the second day preceding their election " whatever that may mean.

(1) Stevenson is likely right in reading Sunday for "second day".

This document could not escape criticism and it is not out of place to note what the Larger Declaration has to say, for (2) its comments are interesting and acute. The form of Commission ( Article 2 ) is attacked as a new thing in the history of the Church ; the docility of Presbyteries which meekly obeyed such dictation is reproved while the declaration is made and made rightly that the preamble of the Commission " We having considered the manifold corruptions and disorders disturbing our peace " , takes for granted that the matters which were to

(1) Stevenson, 248.

(2) Larger Declaration, 131-3.





be submitted to the decision of the Assembly ,were innovations and corruptions , just the very point that had to be decided. The usual objections are taken to the presence of the lay elder and to his numerical equality with the minister in each Presbytery. The Fourth Article is not criticised too severely when it is called a " notable trick and device " ;the Sixth dealing with Moderators is held to be against the constitution of the Church while the seventh with its instructions as to the date of the election is a violation of the promise given to the King's Commissioner .The summons to Edinburgh for the first day of October, is nothing else than a device by which the Commissioners to the Assembly " may consult beforehand upon what was to be said or done at the Assemblie and indeed to preconvene and hold the Assembly at Edinburgh before their meeting at Glasgow ". There is force in all these criticisms. Article Four certainly did "limit " the Assembly by deliberately restricting the possible choice of members. But the Covenanters were not much concerned about such an ideal thing as an unbiassed Assembly ; they made it their business to see that a large majority of members was on the side of the Covenant. A Free Assembly for them was an Assembly that might snap its fingers at royal dictation or guidance. It has no higher meaning.

The remaining documents over which hangs an air of mystery and about which there has been much discussion are two in number though it would seem that of one of them there are what might be called two recensions. These documents were intended to be more or less secret .Johnston as we have already noticed was busy on August 27th with the "two Archbishops", Dickson and Henderson ,assisted by Calderwood ,preparing certain papers , " publick for Presbyteries and privat for trustie persons". Baillie sends to his correspondent , " some private articles ,sent to those ministers who most are trusted " On the 28th of November just before he dissolved the Assembly ,Hamilton flung into the midst of his opponents what was meant to be a destructive bombshell. "To clear what I have

✓ (1) Diary 377.

✓ (2) Baillie

✓ (3) Baillie 102.

✓ (4) Peterkin 142.



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said ", he announces ,<sup>(1)</sup> "I present heir two other papers ,ane sent <sup>from</sup> ~~for~~ the Table at Edinburgh to the Presbyteries ,the uther from persons to their friends and I desyre they may be red . I cannot design the persons who sent these papers ; but sure I am that these papers are sent ,dispersed through the Kingdom and that men's proceedings are according to the directions of these papers ". As he handed the papers over to Johnston, the Commissioner could not resist<sup>t</sup> the temptation to add, that these were papers the Assembly Clerk had doubtless seen before and with which he was well acquainted. Johnston's assiduity in the preparation of manifestoes<sup>h</sup> was by this time an open secret

What are the documents then? Baillie has heard of, or at least produces only one. Johnston,s phrase " private for trusty persons" admitts of one or more . Hamilton produces two. If there were two, are the two produced by Hamilton genuine ? The impression one takes awy from a reading of the ~~the~~ proceedings in the Assembly on the 28th, is that Hamilton's disclos- while it did not have the effect<sup>h</sup> he must have desired ,certainly did embarrass the leaders of the Assembly wh<sup>o</sup> displayed a fair amount of eagerness to dismiss the subject. <sup>(2)</sup> Rothes took it upon him to dismiss the case. His argument is a delightful non sequitur which he must have expounded with his tongue in his cheek. " We deny these papers to be ours ; and heir I produce the two verie true papers ( Doubtless the Instructions to Presbyteries and the Covering latter ) which came from us which have no thing in them so absurd as is said to be To produce the public papers they acknowledged, as a proof that they had sent out no others ,is not a convincing exculpation. When Hamilton declares that he has no quarrel with the public papers, Rothes goes on to say that there were no others sent from the Tables "If any uthers were sent , they are only the advice of private men to their private friends ; and if anything be worth the challenging in these papers let the author of them answer for it ". This is bluffing bravado. The hidden author was not likely to abandon his anonymity . The truth is that the Tables took care not let what their left hand did secretly ,be known to the right hand working openly. It would

(1). This report is inaccurate, except for the number of the papers. The speech preserved by Burnett, is more accurate, in which two public and two secret documents are referred to. *see Peterkin 116.*

✓ (2) Peterkin 144.

④. Secret Instructions to a Cars Elder

not be easy for the average correspondent to know whether any particular communication from Johnston was to be regarded as an official document from the Tables or simply as a private venture of that indefatigable scribe. (2) Rothés knew more about the matter than he was prepared to confess ; statesmen at all times have been ready to disavow discreditable tools , whether persons or papers , once the tools had served their purpose.

(3) In the Larger Declaration we find given at length the two papers by means of which Hamilton had hoped to disconcert the Assembly. The first is addressed to One lay elder of every Presbytery. This, Johnston acknowledged he had seen before and this admission may be looked upon as a confession of responsibility. It begins in a strain of sombre eloquence " Because all projects and purposes will fail , if they be not pursued with constant diligence to the end, the Devill sleeps not and we hear e our adversaries are busie , and our miserie will be unexpressible great , and we ludicrous, if they shall prevail over us in a free Generall Assemblie for which we have been pleading so long; it were meet that so far as may be , a new warning should be given to stirre up the best affected. " The best affected are to be stirred up by efficient and widespread canvassing of his friends lay and clerical , by each nobleman ; by early "lobbying " to secure the election of the right stamp of Commissioner ; by the laymen seizing control in Presbyteries where Ministers were not well affected . The times are stern and demand heroic measures ." Our adversaries in this cause are seeking their own ends and will set their friends on work to deal with us ; all would be warned to shut their ears and in this case to forget parents, brethren and friends , and without respect to any person, to doe what may most conduce for our good ends ". Its sixth paragraph gives the layman's view of the crisis. There were two possibilities . The King offered a harmless and limited Episcopacy ; Presbytery meant the tyranny of the Ministers . Who would dream of choosing the latter instead of the former. ? There is a threefold answer. God's ordinance

must have place ( That is, Presbytery is Scriptural while Epis-

- ✓ (1). The Tables gave no orders, but sent only recommendations (H.D. 3871). copy. But the leaders being who they were, their advice might quite well be orders.
- ✓ (2). London seems to have acknowledged our Papers. - Hardwick 8th Papers 2/121.
- ✓ (3). L. Declaration 287-4.



⑤ Secret Instruction to a Minister.

is not ) ; if the laymen exercise their rights at Presbytery Synod and Assembly , the Ministers will be kept within bounds; lastly, the new order of things will make Gentlemen more religious and Ministers more efficient and take better heed to all their wayes ; which no doubt will with the blessing of God , make this a flourishing Church and Kingdom , which otherwise of all nations will be most slavish , miserable and contemptible to all our neighbours, when they perceive how by our own silliness and treachery , we have lost so fair an occasion of our liberty , both Christian and civil<sup>(1)</sup>. Stress is laid upon the necessity for the arrival of Commissioners in Edinburgh before October 1st ; " by this we shall know our own strength better at our next meeting " ; while the presence of as many gentlemen as possible is required for Edinburgh to await the High Commissioners arrival on the 20th . The last paragraph of all is not the least important . " In everie Presbyterie let there be a particular care taken of the informations against the prelates , for instructing our complaints".

This is certainly not a document sent from one private person to another. It is an expression of the deliberate policy of the leaders of the movement . That apart , little else can be urged against it except that it is a typical party document. It might quite well have been made public . A note of sincerity and of fear runs through it; with the exception of the unfortunate phrase about losing their " liberty both Christian and civil<sup>(2)</sup> " , and the uncomplimentary remarks about their opponents , it is a creditable specimen of a party production. Wire pulling is always a degrading business; and yet with the odds against them for all that they knew , the Covenanters could hardly omit any means of making their elections sure.

Of the second private paper there are two versions; one is to be found in the Larger Declaration and in the Royal proclamation of December 8th which discharges all subjects from obeying the Acts of the Assembly " under the highest paynes "; the other is to be found in Baillie<sup>(3)</sup> . The two papers have only

✓(1) This meeting was countermanded. Baillie 105.

✓(2) This phrase irritated the King, and no wonder. see Proclamation of Dec. 8<sup>th</sup>.  
Peterkin, 24.

✓(3) Baillie 469.

The disputed Paper

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the one clauses in common, though both are addressed to Ministers and both are dated August 27th, the date of Johnston's collaboration with Dickson and Henderson, and both are intended to be sent to special representative persons. Baillie's paper is of course genuine enough; it never enters his head to make any concealment about it. Its points are as follows, briefly summarised

- 1). Processes are to be brought against ministers of scandalous life and of erroneous doctrine so that their election as Commissioners to the Assembly might be prevented; if any such election did take place, suitable action is indicated.
- 2). There must be a thorough preparation of the case against the Bishops, on every possible charge.
- 3). Ministers are to be ready to debate upon the important and vexed questions likely to come before the Assembly
- 4). Where "three well affected Commissioners cannot be chosen", the number of those elected must be curtailed. To this end "all means" may be used.
- 5). Every precaution must be taken not to divide the vote of the well affected. They had better arrange beforehand as to who should be elected.
- 6). No support should be given to "chapter" men or to any who had shown leanings towards the corruptions.
- 7). "If a pious nobleman or well qualified gentleman" had equal qualifications for being chosen in more than one Presbytery, let him be chosen for the Presbytery in which was the greatest scarcity of able men.

This paper obviously comes from the same source as that from which proceeded the Paper to the Trusty Elder and the Instructions to Presbyteries. It is a whip to energetic men to make the most of their opportunities. No possible precaution is to be admitted that might serve to place the Covenanters in the Assembly with a working majority. Apart from its partisan bias, little exception need be taken to it. It is no better and no worse than such documents of intrigue usually are.

What is to be made of the paper found in the King's presentation of the case? It deserves to be given in full.....

- 1). These private Instructions shall be discovered to none but to brethren well affected to the cause.



2). order must be taken that none be chosen ruling elders but Covenanters and those well affected to the business.

3). That where the Minister is not well affected , the ruling elder be chosen by the Commissioners of the Shire and spoken too particular ly for that effect.

4). That they be careful no Chapter.men ,Chapell-men or a Minister Justice of the Peace , bee chosen although Covenanters except they have publickly renounced or declared the unlawfulness of their places

5). That the Commissioner of the Shire cause convene before him the ruling elder of everie Church ,chosen before the day of the election , and injoyne them upon their oath ,that they give vote to none but to those who are named already at the meeting in Edinburgh.

6). That the ruling Elders come from every Church in equall numbers with the Ministers, and if the Ministers oppose to put themselves in possession notwithstanding any opposition

7). That where there is a Nobleman within the bounds of the Presbytery , he be chosen : And where there is none ,there be chosen a Baron or one of the best qualitie ,and he onlie a Covenanter.

8). That the ablest man in every Presbyterie be provided to dispute , de potestate supremi magistratus in ecclesiasticis , presertim in convocandis conciliis ,de Senioribus,de Episcopatu, de Juramento , de Liturgia,& corruptelis ejusdem.

Is this document a genuine production of Johnston and his friends ?<sup>(1)</sup> Hamilton seems to have had no doubt of it. He held himself ready to prove that the two papers he had produced , if they had not been sent down openly by the Tables , had been sent down in secret by some of the principal leaders .He had received sufficient copies to assure him that it was not a letter sent by way of private advice from friend to friend. The results of the elections themselves were all in accordance with the suggestions of these papers .Other arguments are brought forward by the Larger Declaration<sup>(2)</sup> .Had the papers not

(1) Peterkin 142.

(2) Larger Declaration. 285.



Conclusion & discussion

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been genuine , the Covenanters would have taken steps to make Hamilton prove his charges; that they did not so force him is a proof of their guilt .The argument is not conclusive .Assertions in public life are often left uncontradicted not because they are well grounded and cannot be disputed but because it is not worth while to contradict them.

The Tables did send down two secret Papers either with or without their corporate imprimatur. Of these papers the genuineness of the first , that to the Lay elder is not in question. Of the second , which is the genuine version; that given by Baillie or that which was produced in good faith by Hamilton. There can be no doubt that Baillie's paper came from the hands of Johnston and his friends. Was there a second version , meant only to be sent to extreme men <sup>like</sup> Cant of Pitsligo or Kerr of Polwarth ? . It is certainly strange that Hamilton did not produce a copy of Baillie's version ; it must have been common enough. Now an examination of the Hamilton version, seems to point to certain conclusions . It has a certain amount of resemblance to Baillie's paper , two of the articles being very much the same though appearing in different order. Baillie's number six , dealing with the Chapter men , and number three urging capable speakers to prepare themselves for debate, on certain controversial topics, agree in substance though not in the actual wording , with articles four and eight of the other paper . Apart from that, there is no agreement. Indeed the remaining articles in Hamilton's copy , lay themselves open to the charge of being the most tactless instructions that could ever have been sent to any minister , no matter how enthusiastic for the new order he might be. They glorify the power of and the part to be played by , the Civil-Lay Elder. They are instructions almost as much for the elder as for the minister , and Johnston knew his task sufficiently well not to irritate those who were summoned to help in the great cause. The introduction of the Commissioners for the Shires who are entrusted with the responsibility for choosing the elder in a Session where the Minister was not well affected



and to put all their<sup>43</sup> Presbytery elders upon their oath to vote only for those who had received the " coupon" from Edinburgh, is suspicious in the highest degree. The Commissioner for the shire could not so choose any elder ; if he did ,his action was a gross intrusion of the civil power . It was the business of the Session to choose its elder ,though of course any Session was liable to be bullied into obedience by any of the neighbouring great lord. Furthermore the Commissioner for the Shire had no right and no excuse whatsoever to put elders upon their oath to vote only for certain persons .One cannot conceive men with the foresight and shrewdness of the Covenanting leaders ,ever issuing any such absurd instructions . They might be unscrupulous but they were not fools. Another suspicious fact is the appearance of the word " Covenanter " , in a document sent out from under the shadow of the Tables. Rarely if ever in the documents of this struggle,do they apply that word to themselves.It is the title given them by the opposition.

While certainty ,in the absence of fuller information,seems to be impossible,it is hard not to come to the conclusion that this paper is a clumsy forgery , with the balance of the evidence to the effect that it was circulated ( certainly without the knowledge of Hamilton) to damage the cause of the Covenanters not only in the eyes of the world at large but in the eyes of moderate men of the Covenanting party.Such documents are not unknown in ancient or in modern times. The agent provocateur has his ill omened place in all times of trouble. That this papery is a forgery is claimed in the Protestation<sup>6)</sup> of December 8th; in which we find a half and half admission of a kind of responsibility of the paper to the Lay Elder but as for the other ..... " The same is the forgerie of our enemies ,presented to the Commissioner His Grace , of deliberate purpose , to make pretext for discharge of the Assembly which we are sorry was so readily embraced , notwithstanding that when the same was produced by the Commissioner , the same was not only cleared to be no draught sent by public advice , but the members of the Assembly and even those whom his Grace most suspected ,denied

*6) Larger declaration 384-385.*



the same ,and offered to control it by production of the true paper of their instructions, altogether disagreeing from that other produced by the Commissioner ,except in the two points following which had been craftily inermixed with the said untruths ,to give them some countenance of probability. Likewise they professed to his Grace on their oath that they had never seen the same before nor ever read any of the Articles therein contained in the paper except the fourth and eighth Articles both of which they were prepared to justify". While their repudiation of this paper does not seem to have been so thoroughgoing in the Assembly ,as the Protestation would imply , there is no reason why we should not accept this apologia.

The matter then rests thus. Private papers were sent out to private individuals ,lay and cleric ,the aim of which was to control the elections in favour of the Covenanting party. They had not the official imprimatur of the Tables , if the manifestoes adumbrating the policy of and sent out by circle of the leaders of the Tables ,can be called official. Still the recipients of these private instructions could have had no doubt at all as to the source from which they came and so <sup>would have</sup> treated them with the same respect and obedience as they were likely to give to the public documents. Of the papers that are extant, two are genuine ,<sup>put together</sup> ~~forged~~ in Johnstons workshop. One, that to the trusty layman ,is acknowledged on all hands .Johnston did not deny his knowledge of it nor does the protestation of December 8th disclaim it. The second, that to a trusty minister ,dated August 27th is even better authenticated .The date is the date when Johnston by h s own confession is drawing up some such papers. Baillie gives a copy of it, a copy which he does <sup>o</sup> not attempt to conceal . It is in this form, that the protestation of December 8th ~~admits~~ it. But there is another Richmond in the field ,the paper of which the Larger Declaration gives a copy. In spite of the assertion of the protestation that it was produced solely <sup>e</sup> with





an eye to the Assembly , we can hardly disbelieve Hamilton when he declared that he had received copies of it from several shires in the Kingdom , and that too not from Chapter men but from Covenanters who disapproved of the whole business .It must have been in wide circulation. But it is too clumsy a production to be fathered upon the Covenanting leaders .Who was responsible for its compilation, will likely never be known.It may have come from the extreme left wing of the Covenanters , or it may have been an effort on the part of the royal party to discredit the opposition.The latter seems likely enough , but we cannot be certain. That there should have been private papers at such a juncture , was inevitable. The King himself is not free from making public proclamations , to nullify which as far as possible, his servants were in possession of secret instructions.The Covenanters spoke with the same voice in their instructions both public and private.

We have now touched upon two important parts of the Covenanting campaign or counter plot.First there is the rehabilitation of the Eldership with the consequence that the power of the lay element before and in the Assembly cannot be exaggerated. Second, there are the Instructions ,open and secret , issued to Presbyteries and to individuals ,in accordance with which the elections were so worked that the pro-episcopal section of the Assembly became negligible.The elections like one in more recent times was a "coupon " one; only those who had with them the imprimatur of the Tables stood the least chance of being elected. That there is some ground for the assertion in Hamilton's second paper ,that " they give vote to none but to those who are named already at the meeting in Edinburgh " ,is to be seen from what was revealed when the Commissions from the Presbytery of Brechin came up for examination .But there was a third shot still in the locker and that too not the least formidable.

We have a hint of its nature in the private articles acknowledged by Baillie .The recipients of that document are

- (1) Larger Declaration 285.  
 (2). Peterkin 136.

## The Attack upon the Bishops

to have " a special cair that informations be tymeouslylie made against everie Bischope ,with the suir evidences thereof, anent their miscarriages in Synodis,Presbyteries,Hie Commission A long list follows of the kind of charges that might be brought against the unhappy Prelates and the charges were " to be gathered and put in order by sum in everie Presbyterie ,to be trusted for that effect and their diligence to be reportit against the 20th September , least the noyse of all our complaintis against the Prelates ,evanisch at the Assemblée ". Whatever may be said against the Covenanting leaders,it cannot be said that they were not thorough.Nothing was left to chance By the end of September the necessary material seems to have been gathered , and Johnston's mind was shaping,if it had not already shaped the course of action.The Bishops were to be summoned before the Assembly to answer the many charges of which they were reckoned to be guilty .It was a subtle stroke (2) of policy ,because no more than any other minister against whom libels were being brought,could any Bishop take his place in the Assembly, assuming that any would have cared or ventured to come,in the unlikely event of his being properly accredited But while it was easy enough to draw up a charge,it was not quite so easy to summon the delinquents in a fashion that would bear the test of legal scrutiny .Pressure was brought to bear upon Hamilton.to issue a warrant ,summoning the Bishops to the Assembly as guilty persons." He delay d verbally but refused (3) really " He declared,indeed, that while he was quite out of sympathy with the proposal , " he would advise with some of Our Judges and Our Advocate whether any such processe was awardable .....and according to their advice ,he would doe that which should be agreeable to justice". Disappointed in this effort, they asked the Commissioner to require the Lords of Session ,to grant such a rprosesse.The Lords of Session found they had no (4) such power .Even had they been able and willing,the King had forbidden his Keeper of the Signet ,to sign any such summons. Baffled here,they had open to them the course of lodging an

(1) Baillie 469. Article 2.

(2) It was certainly a counterblast to the royal assumption that the Bishops were ipso facto members of Assembly.

(3) Warriston Draft 393.

(4) Large Declaration 207-8 . Gordon 2/105 Rule.

The Complaint against the Bishops

Information with the Moderator and Clerk of last Assembly ;  
 that course found no approval. The last Assembly, that of 1618  
 was looked upon as no legal Assembly , while its Moderator  
 had been no other than his Grace of St Andrew's against whom  
 with the rest , the charge was being framed . The next move was  
 to work through the Presbyteries , now strengthened by the lay  
 element. To each Presbytery within the bounds of which each  
 Bishop had his Cathedral seat or residence , was presented a  
 summons or complaint by way of Libel . The form the Summons  
 should take, gave Johnston much trouble." The 5<sup>(1)</sup> and 6 of October  
 I was confounded with the verry great thought and fear of  
 drauing up the bishops summons quhilk I could not seie  
 through and through ; yet by the Lord's assistance , the honest  
 man Mr A. Ker and I dreu it up " . On the 18th he had ready the  
 articles and letters to be sent to the Presbyteries and gentl  
 men , with the complaint ag<sup>a</sup>inst the Bishops and on the 24<sup>(3)</sup>th<sup>e</sup>  
 after he had despatched the summons to every Diocese, he had it  
 approved by the Presbytery of Edinburgh . So speedy was the  
 harvest from the well prepared field.

The Complaint <sup>(4)</sup> or Libel is a formidable document , more  
 in keeping with the unregenerate , than with the regenerate  
 side of the character of its composers. They have made up thei  
 minds that if the Bishops are able to ~~see~~ escape condemnatio<sup>n</sup>  
 on one charge, they will certainly fail to escape on another..  
 No loophole is to be left them. If everything else fails ,  
 and what the charges against them are we shall see in the  
 Assembly proceedings <sup>bm</sup> ) they can always be libelled as men  
 of scandalous life and conduct. In the presentation of the  
 libel great care is taken to preserve the outward forms of  
 legality. No Commissioner to the Assembly , cleric or lay, is  
 allowed to sign it ; by this precaution they forestalled the  
 charge that was indeed made lateron, namely that the Accusers  
 were also Judges. But if by this self denying ordianance , the  
 leaders of the movement, do not sponsor the Libel , a formid-  
 able list of noblemen, barons , gentlemen , and ministers,

- (1) Diary 393.  
 (2) Perhaps the minister at Polwarth, a noteworthy figure in the Assembly.  
 (3) Diary 395.  
 (4) Larger Declaration 209.



The Presbyteries take action

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appended their signatures. This Libel <sup>\*</sup> was presented to the Presbyteries concerned towards the end of October ; one and all glibly recited the same deliverance " <sup>(1)</sup> Having considered this Bill and Complaint , we according to the desire thereof ,do refer the same to the next General Assembly ,to be holden at Glasgow ,21st November , and we ordain the publishing of this Complaint and of our reference to it ,to be fully read <sup>by</sup> ~~in~~ all the pastors of the Presbytery out of their pulpits,with a public warning and citation to the offenders complained on ... ( Here was named not only the Bishop of the Diocese but the whole compnay of the Prelates) to be present at the said Assembly ,to answer to this complaint in general and to the particular heads of it ,to undergo the trial and censure of it ; and to bring with them the books and scrolls of the subscriptions and oaths of them who entered the Ministry; the books of the Hogh Commission , and the books of the General Assembly which they either had or have fraudently put away ". That there should be similarity in the deliverances of the several Presbyteries is easily explained by the fact ,that full and explicit instructions which regulated the whole proceedings, had been sent down to each . Once agin nothing was left to chance and a slight alteration of Gordon's <sup>(2)</sup> sardonic comment on the whole episode is not far from the truth. As the Tables piped, so the presbyteries danced. We

(3).

We may take Baillie's account of what took place in the Presbytery of Glasgow as a typical instance of how the business was carried through and of the hollow mockery of it all. " My Lords Loudon, Boyd and Mr David Dick(son), according to the direction of the Tables from Edinburgh ,went in this last week to the presbyterie of Glasgow , gave in a supplication in name of Covenanters who were not members of the General Assembly ,against Mr Patrick Lindsay ,minister at such a Kirk, pretended Archbishop of Glasgow and his colleagues for crimes enough ; and required justice or an answer . The Presbyterie after deliberation resolved and

(1). larger Declaration 219. see also Peterkin 1198.

(2) As the Presbytery of Edinburgh piped, so the rest of the Presbyteries clattered. Gordon 2/106.

(3) Baillie 108.

(\*) It was presented to as many of the Presbyteries concerned as possible; not to Edinburgh only as we also met there 6/231. Declaration 210. Cunningham seems to indicate. History 2/111.



wrote it as an Act , that <sup>49</sup> such a complaint was made to them ;  
 which for the weight of it , they did remitt to the Generall  
 Assemblie . The extract of this Act with the Libel , was sent to  
 the Bishop and put in his hand by the church-bedall before two  
 witnesses ; this being indorsed is thought a sufficient summons.  
 Glasgow was fortunate in finding the Archbishop on the spot;  
 others were not reached so easily , but the Tables had taken pre  
 cautions so that where any Bishop could not be found ( many inde  
 being south of the Border ), something might be done which would  
 serve as the equivalent of a summons served on the person . "If  
 he be within the country ." so runs the instruction,<sup>(1)</sup> and can-  
 not be personallie apprehended , a full copie of the Act is to  
 fixed upon each dwelling place and upon the most patent door o  
 the Cathedrall Church and Episcopal Seat " To ensure full public  
 -ity pastors were enjoined , to read out the whole complaint o  
 on a Sabbath day and to admonish the Bishop of the Diocese, to  
 be present with the rest of his colleagues at the General Assemb  
 ly , to abide the trial and censure of that Assembly . In Edinburgh  
 these instructions were carried out, in spite of the veto of  
 Hamilton himself . Johnston had his part to play. The <sup>(2)</sup> 28th Octobe  
 must have been one of the red letter days in his life for on  
 that day he was asked by Mr "Hery " Rollock , in the College  
 Church , to read out the Complaint " for schortning the work and  
 distinct reading of it , quhairin I served my Lord and read it  
 over, trusting and praying that I <sup>A</sup>my heirafter seie his pro-  
 vidence in casting the reading of it in my hand ". It is not  
 difficult to imagine the relish with which the master intriguer  
 must have read the Complaint. But naturally what to Johnston  
 appeared to be a sign of the approval of Providence , added  
 fuel to the flame of the indignation of the c urt party . That  
 the Complaint should be read neither by Minister nor Reader  
 but by a layman and a fierie advocate <sup>(3)</sup> was the climax of  
 justice and impiety.

No one can reckon <sup>as</sup> out of place the indignation of the  
 Larger Declaration at the contents of the Complaint and at the

(1). Larger Declaration 256-7.

(2) Warriston. Diary 396.

(3) L. Declaration 225.

Preparatus for the Assembly

methods adopted to bring the Bishops into the Assembly ,not as the Lords of the Clergy but as men discredited and under a cloud. But if efficiency by itself is commendable, one can hardly withhold one's admiration of the thoroughness of the Covenantee methods and of their overwhelming success. It is this success which most of all arouses the royal ire. " And ~~now~~ this now is that Libell<sup>(1)</sup> with which the Covenanters did undoubtedly encompass their owne ends , which was to raise up in the people, an utter abhorring of the present Bishops' persons , and an irreconcilable hatred against both their persons and calling , but with what religion , justice and honestie they have effected it , others besides themselves , both in heaven and earth must give judge and give sentence ". Though it comes from the mouth of an opponent , even Johnston himself would admit the above to be a fair statement of the case. He certainly for one, never concealed his desire to discredit the Bishops ; while the means adopted were so efficacious that when the Assembly did meet, in the eyes of an overwhelming majority of its members , the Bishops stood not only discredited but something much worse; they had become ridiculous<sup>(2)</sup>. It is true the Covenanters had a problem before them. The Assembly had the power to try and censure the Bishops , but there seemed no way of compelling the Bishops to appear before the Assembly. The plan adopted while it did not secure the presence of the libelled parties , certainly made it public and plain that the parties were libelled and were to be tried. The thing was not done in a corner. But wheter the methods adopted were religious, just and honest , is another matter.

The summons to the Bishops brings the proceedings to the close of October and within sight of the Assembly itself. Baillie<sup>(3)</sup> gives a vivid account of the trepidation and uncertainty which filled his mind, in spite of the efficacious measures of his more extreme brethren Various happenings had made him apprehensive that the Assembly would never meet ; his main comfort lay in the reflection that the King had gone too far to retreat. And an Assembly would have been kept King or no King. As the great day drew near , the Tables once more took action , true to

(1) Larger Declaration 226.

(2) Gordon 2/159. vol 14.

(3) Baillie 120.



Arrival of the messengers in Glasgow

their policy of leaving <sup>51</sup>nothing to chance. They issued <sup>(1)</sup>instructions to the elected members and others, which when they were carried out amounted to an open defiance of the King and a brow beating of the King's Commissioner. Every nobleman who had subscribed the Covenant ( those of the West alone excepted ) , was summoned to Edinburgh for the 12th of November , there to stay until they should all meet in Glasgow on the 17th . Commissioners both for Presbyteries and for the Burghs were to be attended by Assessors, a command that must have greatly swelled the numbers of those who were to attend the Assembly proceedings. Ways and means were to be found by which the travelling expenses would be met, of any clerical commissioner who would otherwise be prevented from attending . Effor~~ss~~ were to be made to show that many of the subscriptions made to the King's Covenant , had n~~been~~ made either in error or under compulsion. A Fast was to be kept throughout the country on November 4th, even although the proclamation indicting the Assembly , had fixed one for the 7th and there was no uncertainty as to which fast would be kept. These instructions c ertainly could not please the King ; especially that which ordered the rally for Edinburgh and the subsequent progress en masse to Glasgow . Such a body of men, all armed " <sup>(2)</sup>alleging as a pretext the unsettled state of th e roads, was a defiance to the King. The prohibition of the carrying of arms , <sup>(3)</sup>as seen to be justified , but it was ignored " for they travelled in great troupes , carrying with them , prohibited and warlike arms

Meanwhile Glas<sup>g</sup>ow was all astir , preparing to cope with the great influx of strangers . The keen commercial spirit to which that city owes its great development , is already much in evidence , for those who had lodgings to let " <sup>(4)</sup>putt on their houses and beds excessive prices " , a state of affai rs which was quickly remedied by the diligence of the magistrates and most of all by the fact that there was no demand for rooms at such exorbitant terms . There was room enough in the city for all who cared to come, for even in those days , it could easily house the Council the Court of Session, the Parliament and the Assembly all at the

(1) Larger Declaration 230.

(2). 'Thair was great rumors of John du Gar's company - Diary 400.

(3) Larger Declaration 232.

(4) Baillie 120-1.





same time; indeed to all<sup>52</sup> intents and purposes the members of these courts were now beginning to muster in its streets. On Friday the 16th, the men of the West arrived, each nobleman supported by a large following of friends and vassals. Next day on Saturday forenoon, the eastern contingent poured in, many in warlike guise, some of the ministers even<sup>(1)</sup>, armed with sword and pistol. In the afternoon the King's Commissioner himself arrived, entering the city with little pomp or show and if the Larger Declaration<sup>(2)</sup> can be believed, with an ostentatious observance of the instructions of the proclamation against the carrying of arms. He had been met<sup>(3)</sup> on the way by Rothes, Montrose and many others who assured him they were to ask for nothing but what was permissible by clear scripture reason and law. He in turn declared that nothing reasonable would be denied. In the city the Lord of Council were present, summoned by the King to advise the Commissioner in the hard task that lay before him. The presence of the Council in the city makes Balmerino afraid<sup>(4)</sup> that they will claim all the available lodging room, to the exclusion of genuine members of the the Assembly and inspires him to hint darkly that this might be a reason for the transference of the Assembly to some other place. But for this there was no need. Johnston it is true<sup>(5)</sup> seemed unable at first to find suitable accommodation; he was vexed with irresolution about his lodging and spent Saturday and Sunday nights in Loudon's rooms "quhair I got libertie both at night and in privat and in publik". On the Monday he had a hard days search going from house to house, seeking rooms for Henderson, Calderwood and himself, a formidable triad. But the Commissioners were housed well enough. Not for many a long day had there been such a representative gathering in Scotland. But there were some significant absences. The Lords of the Clergy were elsewhere.

(1) Gordon 2/112.

(2) L. Declaration 232.

(3) Baillie. 121.

(4) L. Declaration 229.

(5) Diary 400-1.



(1). The Personnel of the Assembly.

Who were the men who by their action in the Assembly of 1638, were to determine for good or for evil the future history of the Church in Scotland? It is well worth while to glance for a little at some of those leaders to whom the rank and file looked for guidance and whom so whole heartedly they followed, nor must the rank and file themselves be forgotten. It has been the custom, a custom originated by the Larger Declaration, not only to attack the doings of the Assembly but also to disparage the calibre of its members. It is perfectly true that the proceedings of the Assembly, were not characterised always by that gravity and dignity which should beseeem a great ecclesiastical court.

"What indecencie <sup>(1)</sup> and rudeness was to be discerned in it, not so as the face of an ecclesiastical meeting to be seen". That may be admitted. But history has also to record such happenings as the violence of the Robber Synod of Ephesus. Gravity and dignity are not the inseparable concomitants of <sup>even episcopal</sup> ~~ecclesiastical~~ assemblies. It may also be admitted that many of the members, lay and cleric, were incompetent to pronounce judgement upon the weighty matters brought up for decision. There is no great public assembly from the House of Commons downwards where the same criticism would not hold. But to attack the calibre of the membership of this Assembly, is simply to attack the culture of Scotland in the early part of the XVII th Century. The Assembly was typical of the best that Scotland could show though now and again some of the less admirable aspects of the Scots character came to the front.

<sup>(2)</sup> Gardiner in an interesting passage <sup>in his history of the civil war</sup> contrasts the greatness of the English leaders during this period with what he takes to be the strengthless shadows who were behind the movement in Scotland. It might not be so very difficult however, to show that the English historian has a bias in favour of his own folk and the Scots leaders, <sup>that</sup> (granting the smaller stage on which they played their part) were men of no small mark. Now most of these leaders are to be found in the ranks of the

(1).

(2) History.



Henderson

Rutherford

Baillie & others

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Assembly . Fortunately the muster<sup>(1)</sup> roll is extant and may be examined. As it stands we have the names only of those whose commissions were sustained and who refused to leave the Assembly with the Commissioner. In consequence several Burghs and Presbyteries fail to be represented; but from what we may put together, no name omitted is the name of any one of great importance. The list as we have it, gives the well drilled majority, so well drilled as to provoke the bitter royal sneer.<sup>(2)</sup> At least one hundred and forty were ministers ( the purging of the roll makes it impossible to give the exact figures of those who were present all or part of the time ), coming from districts as widely separate as the Orkneys and the shores of the Solway. Foremost in their ranks is the Minister at Leuchars, Alexander Henderson, whom his compeers could not sufficiently eulogise and that too, rightly, for he was admitted to be " incomparably the ablest man among them all ".<sup>(3)</sup> We had been the first man of any consequence to oppose the royal and episcopal authority over the reading of the Service Books; in the busy troubled days that followed, his abilities had rapidly brought him to the front; his hand is to be seen in the Covenant and in many of the important documents that poured forth from the Covenanting presses; in the iron days that followed upon 1638, he played an important and an honourable part and the Church which he served so well, honoured herself and him by the rare dignity of a third Moderatorship. He was a man of great courage and strength of character; while few have excelled him in guiding and controlling an important council, grappling with important affairs. Could he have been bribed,<sup>(4)</sup> there was no office in the Church to which the King would not have preferred him but his honour and loyalty to his cause were unstained. Samuel Rutherford of Anwoth was there, no prominent participant in the business of the Assembly it is true, a man difficult to deal with, fierce and fanatical, but still one of the immortals whose letters are as fresh and fragrant after three unsparing centuries. Robert Baillie, later on the erudite Principal of Glasgow University after the restoration, member of the Assembly of Divines at Westminster, writer of

(1) Peterkin 109 et seq.

(2) Mr Alexander Currie was called up, what he said first, all the rest said the same. L.D 317.

(3) Baillie 121

(4) Peterkin 232.

Roths

letters ,interesting in themselves and invaluable as a contemporary record of great events, watches the proceedings with a well stored mind and with a heart that dreaded while it expected the worst. These three men by themselves are enough to raise any Assembly above the level of mediocrity. Amongst the others were many of note ecclesiastically, six of them eminent and masterful enough to become Moderators in the trying times that lay ahead ; David Dickson of Irvine , who with Henderson shared the title of " Archbishop " <sup>(1)</sup> , a title which indicates clearly enough the prominent part he played in the events of the day; Andrew Ramsay of Edinburgh, Rector of its University and Professor of Theology , an accomplished scholar and something of a poet ; Robert Douglas of Kirkcaldy , five times Moderator ere he died , whose hand placed the crown upon the head of Charles II and whom popular rumour reckoned to be kin to the royal house itself; Robert ~~Blaik~~ Blair of Ayr ; and Andrew Cant <sup>of Dalry</sup> , the Apostle and firebr and of the North whose fashion of oratory, in the estimation of some gave to the word " cant " <sup>(2)</sup> its modern unhappy meaning.

So much for the clerical leaders. The lay elders numbered certainly not less than one hundred. In their ranks were seven Barls, ten Lords and the remainder ,gentlemen and burgesses. Amongst the peers are some of the most distinguished men in the Kingdom , whose ability can best be gauged from the skill with which in a bare twelve months, time , they turned what to all intents and purposes was a forlorn hope, into a sweeping victory. Foremost stands ,John, Earl of Rothes , with the shadow of his early death creeping upon him, a man of brilliant talents, wide education , great eloquence and unflinching courage. When barely out of his teens, almost singlehanded he had fought the Act which was to confirm the Articles of Perth ; In 1626 he carried to court a petition in favour of civil and ecclesiastical liberty which wrung from Charles the comment that it was of too high a strain for petitioners ; in the Parliament of 1633 he had again crossed swords with the King . While his ability is not to be gainsaid for a moment, his manner of life is reported to have

been in strong contrast with that which should have characterised

(1) Baillie 42.

(2) Some derive the word 'cant' from him e.g. Brewer's Dictionary of Phrase & Fable.

London

Munich

a leader of the rigid Covenanters and leads one to wonder how much in him was the patriot and how much the grasping self seeker. Next to, though in no way behind him, comes John Earl of Loudon, a man of much finer character. Like many in the west, he did not belong to the extreme left wing of his party, though the force of events likely dragged him farther than he at first intended to go; he served faithfully both his King and country so far as these two causes were reconcileable in difficult days. Most memorable of them all is Montrose, whose appearance foreboded trouble to the Bishops; he was a kind of stormy petrel in fact for "they thought it time to prepare for a storm when he was engaged". Hamilton might dismiss him as a "vainly foolish man" but the succeeding years were to demonstrate of what stuff he was made until that fatal day came when he was led to the gibbet as Loudon had prophesied. Amongst the ten Lords, Balmerino was a man of mark. The burgesses were the flower of the middle classes; ten towns sent their Provosts, Dundee, Glasgow and Stirling among the number, a token that the towns were sending, presumably their best and worthiest. There was not a peasant or yeoman or farmer in all the roll. Most of the members were entitled to sit in Parliament; the rest were capable of adorning even that position. Many of them were University men; not a single one was illiterate. There is no need to claim for them the highest of culture. Some might have been ignorant and mechanical persons, but that is simply a party sneer. They had not all the expert knowledge that the situation demanded; but the experts were there to give the lead. Two things can be said past all disputing. The first is, that it would have been difficult, if not impossible, to gather together from the length and breadth of Scotland a body of men of superior rank and culture. The second is that the laymen, even by the confession of their opponents, had a great if not a commanding share in the proceedings. "It was a very rare thing to hear

(1) Guthrie p 31. ✓

(2) Peterkin 114. ✓

(3). For a discussion of the membership, see Dr Lee's speech, quoted in Peterkin 111. ✓

(4) L. Declaration 318. ✓



Hamilton

a minister speak for there<sup>57</sup> was one Earl and one Lord who spoke far more than all the ministers except the Moderator" This is an exaggeration but it is at the same time an admission of the truth that the Assembly was not weakened but strengthened by the inclusion of the lay element.

Around the High Commissioner gathers another group, men for the most part out of touch with the great popular movement, men who expected to play a part in the Assembly but who were baffled in that expectation, the Lords chosen to be His Majesty's Assessors. But Hamilton himself is worth observing. There is no man of them all about whom opinions so conflicting have been held. Trusted by the King, he is accused of having played the King false; Baillie gives him high commendation but others of Baillie's party have not been so generous. His biographer, Burnett, gives us the picture of a high souled gentleman; others look upon him as a traitor who plunged his country into confusion that out of the troubles he might rise to the throne. These conflicting opinions point to a man who could see both sides but who could be extreme for neither. It was his misfortune that he was called upon to play so difficult a part in treacherous times. From his portraits one would imagine him to be a gallant hearted gentleman, unfit to cope with the subtle minds and the enthusiastic passions he was sent to control; unfit too, to play the double game, he was set by the King to play. His letters to Charles show him undertaking his task with reluctance but striving to accomplish it to the best of his ability. He may have played a double part". <sup>(1)</sup> He spoke <sup>(2)</sup> to you before the Lords of Council as the King's Commissioner; now there being none present but yourselves, I speak to you as a kindly Scotsman. If you go on with courage and resolution, you will carry what you please but if you faint and give ground in the least, you are undone. A word is enough to wise men". That statement is well enough authenticated. It shows a shrewd reading of the situation and of the King's character, though it may not

(2) Guthrie 40.

(1). For his loyalty to the King, see letter of November 22<sup>nd</sup>, Hamilton Papers p. 60

"And this one suit I have to make to you (if it be true which I hear is intended) that, if they cease on me and those few of the Council who are faithful to you, that you may rather regard us not consider as danger".

Trueman

Arpyle

have been the Commissioner's business to give it. And yet his action need not necessarily be looked upon as a proof of double dealing. What he believed to be the interests of his country may have appealed to him for the moment, even more than the interests of the King. At anyrate the truth is, that he was not the man to ride the storm; but no man of the king's entourage could have done any better while the fairest criticism of his loyalty to the King, is to be seen in the approving comment of Henderson when the Assembly had been dismissed. "Seeing we perceive men to be so zealous of their master's commands, have we not also good reason to be zealous towards our Lord". It was Hamilton's zeal that was so set up for imitation.

Traquair, the Lord Treasurer had a part to play and in this Assembly he gained experience that must have been of great value when the year following he was High Commissioner at an Assembly as important as that of 1638. He was a King's man out and out, but for the Bishops he had no love. He too is accused of playing fast and loose, a man overbearing and passionate. But the figure of most note by the side of the Commissioner, is the Earl of Argyle, as baffling a personality as any of them. Upon the action he was to take, depended to a great extent the fortunes of the Covenanting cause. At the beginning of the Assembly, he had not yet come out into the open, although Hamilton is certain that he was not to be trusted. Argyle's father had foreseen that his son was potentially dangerous. "Keep him in England with you and let him not return to Scotland, or else he will wind you a pirln"; so he had warned his monarch. Argyle's portraits are interesting; as a young man he looks the beau ideal of the dashing Cavalier; but in later years it is a grim, forbidding, almost sinister countenance that looks cynically and superciliously from the canvas. The later portraits indeed seem to confirm Hamilton's warning that here was "the dangerousest man in the Kingdom." The danger lay not only in his abilities which were many but in his being the master of several thousand devoted clansmen. If ever the question of the day had to be settled by

(1). Peterkin 147.

(2). Guthrie 36.

(3). Letter to the King 9 November 1638, Peterkin 113.

Johnston

Intrigue

the arbitrament of the sword, the favours of fortune might well rest with those by whose side Argyle would take his stand. At the opening of the Assembly then, we have this man of baffling personality and obscure intentions, numbered with the royal Assessors; but if the crisis develops and Hamilton dissolves the Assembly, in the ranks of which side will he be found? Few at that moment would have ventured an answer.

And we must not forget one who in his own way was as dangerous as any, Archibald Johnston of War~~x~~iston. He is neither member nor assessor, but you will find him close in company with Henderson, waiting for the reward upon which he had set his heart, the Clerkship to the Assembly, and half<sup>(1)</sup> afraid that it might slip from his grasp and be given to another. In all the intrigues and plotting of the past two years, he had taken a part and had impressed his mind upon measures of which other men had the outward credit; indeed he was responsible for far more in the policy of the Covenanters than has ever yet been acknowledged. A strange mixture he is of fervent piety and fanaticism; but he knew his own mind and never for a moment allowed himself to be diverted away from the task he had set his heart upon accomplishing, the overthrow of Episcopacy.

(ii). The opening of the Assembly.

By Saturday the 17th most of the Commissioners attended by their Assessors had arrived in Glasgow. Three days had still to elapse before the formal opening of the Assembly but these days were not left empty; they were occupied with ceaseless planning and intrigue. Johnston was in his element. On the Sunday he and his held some private meetings in which<sup>(2)</sup> arrangements were made for the choosing of the Moderator and the Clerk. These arrangements were highly satisfactory to him; so much we may infer from the emergence of his favourite phrase "I got libertie", the phrase which indicates a deep emotional experience of a religious nature. It was essential for the success of the Assembly that there should be no dubiety as to who was the right man<sup>y</sup>

(1) Diary 394.

(2) Diary 400-1.



The Assembly in the eyes of its contemporaries

either for the Clerkship or the Moderatorship. A wrong decision<sup>n</sup> there and the whole fruits of the movement might be lost.

Amid the hopes and fears of Scotland the day indicted drew on; no insuperable obstacle was thrust in the way and the Assembly met in the Cathedral or High Kirk of Glasgow on Wednesday November 21st, not to rise until a full month had passed, crammed with events that spelled out a peaceful revolution. Its proceedings fall naturally into three parts while the departure of the Commissioner on the 28th is the most memorable date. Before that date, there is manoeuvring for position on the part both of the Commissioner and the majority party in the Assembly. The struggle is simply a continuation of the same struggle as had been going on ever since the Assembly had been indicted. The Commissioner's aim was of course to render the Assembly futile or at least amenable to the King's will; the opposition on the other hand had set their hearts on nothing less than the downfall of the ecclesiastical organisation which almost from the beginning of the century had directed the affairs of the Church in Scotland, though always with precarious security of tenure. On the 28th came the decisive clash between Assembly and Commissioner; compromise was impossible and the Assembly having dared to defy the royal authority, swept on in full career to lay Episcopacy in the dust with all that appertained to it. A third stage follows, quieter and less dramatic. The debris of the ruins that had been created is removed and a sustained effort is made towards the establishment of Presbytery. The month of the Assembly was as momentous as any month in the history of Scotland.

We are fortunate enough to have surviving two contemporary pictures of the Assembly as it gathered, the one from the pen of Baillie<sup>(1)</sup> which is the common possession of all writers on this subject. In it we have<sup>from him</sup> a detailed account of how members, assessors, spectators, Commissioner and his suite found their places in the High Kirk and how his heart was sore within him as he surveyed the distinctively unecclesiastical appearance and behaviour of the members on the

▷ (1) Baillie. 123.

Inferni Moderata

first day at least. His countrymen, he thinks have much to learn in reverence from the Turks or pagans even " Our rascals without sh~~ame~~ in great numbers maks such din and clamour in the house of the true God that if they minted to use the like behaviour in my chamber I could not be content till they were down the stairs ". No one can gainsay Baillie's fairness in this description ; it enables us to test the fairness of the royal account of the proceedings, which we find in the impressions which Hamilton himself has left on record. " Accordingly we met and treulie Sir, my soule was never sader than to see such a sight , not one gowne amongst the whole companie, manie swords but ~~much~~ <sup>manie</sup> more daggersV( most of them having left their guns and pistoles in their lodging ); the number of the pretended members are about 260, eache one of them hath two ,some three, some four assessors who pretends not to have voyce but onlie ar come to argue and assist the Commissioners but the true reasone is to make upe a great and confused multitud and I will add a mo most ignorant one for some Commissioners there are who can neather read nor write , the most part being totallie voyd of learning , but resolved to follow the opinion of thes few ministers who pretend to be learned and those be the most rigi<sup>d</sup> and seditious Puritance that liveth " Hamilton has painted the picture too black; we detect in his sketch the contempt of the old asistocracy for the men of the new democracy ; h e has also had an eye upon what the King would most like to hear . But both Hamilton and Baillie set before us an Assembly that with all its defects was an Assembly that meant business .and from business would not easily be turned.

In accordance with ancient custom, the Chair at the opening should have been occupied by the Moderator of the preceding Assembly to whom falls the duty of delivering the sermon that marks the beginning of the proceedings. But there had been no Assembly for twenty years and against its validity a strong party in the Church was protesting .Its Moderator had been his Grace of St Andrews , now in refuge over the Border .His presence in the Assembly was unlikely. As a substitute had to be found ,

(1) Letter of November 22<sup>nd</sup> - Hamilton papers p. 59.

See also Gordon 3/11 " Two of the wome's ministers or thereby wore gowns; all the rest of the clergy in their cloathes and distinguished from others mostly by the colour of their cloathes, though not that way neither from the all the ruling elders, the nobility and gentry in secular habits, their cloathes coloured. And that which made it look lyke a mixture of a court marshall, was that sword were borne by ruling elders, a practice which will not fynde many examples in Church Comissells before thes tyme.



Roths with some others made the suggestion that a gracious compliment might be paid to the city in which all for the time being were housed, and to the person concerned, if the oldest minister in Glasgow were invited to preach at the opening and to moderate until the Assembly could choose its own officers. Hamilton who from the beginning had made up his mind to suffer no encroachment upon the royal prerogative, claimed that it was for himself and for no one else to choose the preacher but after a modest display of independence, agreed to the suggestion. Upon John Bell, minister at Glasgow, in this way fell the lot of opening the proceedings. There is a touch of magnanimity on Hamilton's part in agreeing to this appointment for Bell's dislike to the service Book had a good deal to do with the Glasgow commotions in the spring of 1637. (2) He was a man old and feeble, with voice too weak for his sermon to be heard by any but a small section of the great congregation that thronged the building. Those near enough to hear, listened to a discourse not unworthy of commendation even in that age of sermons, and clearly satisfactory to many of ~~his~~<sup>its</sup> hearers for it took the form of a series of comments, sharp and pertinent, upon the late innovations and upon Episcopacy, the burning questions of the moment. If this were a straw, it required no weather prophet to tell which way the wind was blowing. So passed the forenoon and many would have been content to spend the afternoon in similar edifying fashion, but as the Assembly had been indicted for the 21st, the Covenanters were not prepared to take the risk of seeing their eagerly longed for Assembly, invalidated by any such technical point as might have arisen had the formal commencement of business been deferred to the following day. (4) A plan of procedure had been drawn up and to that plan they adhered. It was decided to go on and to "constitute the Assembly. Amid the heartfelt tears of many, the temporary Moderator opened with prayer. Formal business followed. Hamilton's commission from the King was read and received with all honour and reverence.

The rest of the Commissions were laid upon the Table. If we may

✓ (1) Baillie 121.

✓ (2) Baillie (20) 21.

✓ (3) Baillie 122.

✓ (4). Warriston Day 401.





trust one account, even in the formal business of that first afternoon, sparks were struck from flint. Hamilton took the opportunity of exhorting the members to a "peaceable, moderate carriage", with a side glance, perhaps at the tumultuous gathering which had provoked Baillie's indignation or at the high handed action of the past week<sup>(1)</sup>. But his audience was in no mood to listen to any such rebuke. Rebuke provoked retort and retort rebuke. Such is one account. Baillie's account is different.<sup>(2)</sup> He had expected to hear a speech from His Grace who, as later events proved, was no contemptible speaker, but no such speech was made. There may have been angry asides to give colour to the first account, but as one can conceive of nothing more tactless or more likely to set the assembly ablaze than such a speech, we may conclude that Baillie is here more accurate and that the first day ended with at least a surface harmony.

### (iii) The Clash of Battle,

The harmony was short lived. The second session saw the battle joined, "the toughest dispute of all the assembly". It would seem that at this early stage Hamilton's policy was to hinder as far and as long as he could, the smooth working of the Assembly, and so when Mr. Bell suggested a list for the appointment of a Moderator, the Commissioner desired that first of all the King's letter should be read. This done, the election of Moderator was again urged. Hamilton with a show of courtesy and an expression of his willingness to gratify the Assembly, insisted that the first step should be, to examine the Commissions. This was a shrewd stroke. If the proposal was agreed to, it was quite possible for the Assembly never to get to business at all, There might be no end to the controversies likely to arise from each Commission and the Assembly would plough but barren sands. A fierce discussion broke out but the issue was never obscured. Johnston had already <sup>drawn</sup> grown up reasons for the election of a Moderator, and primed with <sup>these</sup> ~~case~~, Rothes and his friends held the field. Whatever may be said for or against the party of the

(1) Larger Declaration, 236. ✓

(2) Baillie 124 ✓

(3) Baillie 124.

Should the Commissioners be first-examined?

The Declaration of the Bishops

Covenanters, no one can deny that they backed up all their actions by erudite and weighty reasoning. So here they had several grounds upon which they based their plea that the election of Moderator must precede the examination of Commissions, the chief being the practice of the Church and the fact that without a Moderator of its own there could be <sup>(1)</sup> no Assembly but only a promiscuous convention." The debate was subtle, accurate and passionate, but in the end the Commissioner gave way though only after a long consultation in the Chapter House, with his Council and only under protest. His consent was not to mean that <sup>(2)</sup> he admitted the validity of the Commission of any one of them and he further protested that the election of a Moderator was in no way to be reckoned prejudicial to the Office dignity or privileges of the Lords of the Clergy. This attitude of his was provocative, as no doubt it was meant to be, and the opposition greedily seizing the bait poured out a perfect spate of counter-protestations, to the disgust of all except the interim Clerk who, Baillie <sup>(3)</sup> tells us, had the pains of his labour eased by the receipt of a gold piece for each protestation. Rothes for the members and Montgomery for the complainers against the Bishops protested that their hands should not in any way be considered as tied by the action of the Commissioner. The situation <sup>(4)</sup> is an interesting one for both sides could claim a certain amount of justification. The Assembly could never agree to the Commissioner's assumptions without losing the power that it <sup>and ought to</sup> might have; the Commissioner saw clearly enough that the King's cause was lost unless the Assembly were checked. <sup>(5)</sup> Already he has lost hope; he expects the break to come in a couple of days

After the spate of protests Mr. Bell recalled the Assembly to the business on hand, the election of the Moderator. Hamilton driven from one advantage ground seized another. He asked that there should be read a paper presented in the name of the Lords of the Clergy. <sup>(5)</sup> "As he was coming in, there met him a man with a

(1) Peterkin 129. where no less than eight reasons are given

(2) Ib. 129.

(3) Baillie 126.

(4) Letter of November 22<sup>nd</sup>, Hamilton Papers p.60.

(5) Gordon 3/2 note.



petition, but he, desyring<sup>1</sup> to have all his actiones known, had refused to read it but desired the petitioner to be called in and his Bille to be read; for it was reasonable to give the King's subjects satisfaction of their petitiones." The man with the petition was Dr. Robert Hailton of Glassford, Procurator for the Bishops and the paper was the reply of the Bishops to the Complaint against them and their refusal to admit the right of Presbyters to sit in judgment upon Bishops, In the phrase of the day it was their Declinator of the Assembly. Debate broke out fierce and insistent. The Assembly, as was urged already, could not deal with any business until it had been properly constituted. Once again the very existence of the Assembly was at stake, If the Declinator were read at that ~~point~~ stage, the Bishops would occupy a position from which it would not be easy to dislodge them. The Commissioner pressed his point and insisted that the paper should be read. Then it was seen in what temper many of the members had met. They were not to be trifled

(1)  
with or overawed by a display of authority. " At last there arose a tumultuous clamour of a multitude crying, No reading No reading." The more level headed Covenanters condemned the outburst, realising that it was discreditable to the Assembly and might be turned to its disadvantage, though curiously enough the royal apologist who was never at a loss <sup>to seize</sup> for opportunities to criticise, contents himself by saying that there arose a very great heat in the Assembly. (2)  
The Commissioner had once again to admit defeat; there was nothing left for him but to make the inevitable protestation against the refusal to let the Declinator be read and against the contemptuous epithet of "pretended" which had been attached to the Bishops during the course of the debate, How could they be pretended whose office was sanctioned by Act of Parliament? Rothes, an impassioned speaker in the debate, protested in turn and the weary Assembly turned to the business before it.

(1) Baillie 126. ✓

(2) Larger Declaration 237. ✓



The Assessors

But Hamilton had another line of defence upon which to fall back. He had six Assessors, appointed by the King not only to give him their advice but also to give their vote in the Assembly. The King's letter appointing Argyle was read, as an example of the others, and the Marquis asked that the King's desire should be agreed to before anything further was done. The floods swept over this line of defence as it had overflowed the others. At a later meeting when the Moderator had craved for Assessors to aid him in preparing business for the Assembly David Dalgleish remarked with feeling, "I have seen <sup>(1)</sup> Assemblies of old and such pryme conferences according to my poor observation hath wrought great prejudice to the Kirk." In the Assemblies the validity of which was soon to be challenged, the noblemen appointed by the King, were well drilled and voted just as the King desired, But though that experience must have been in the minds of all, there is no trace of it in Johnston's well reasoned <sup>(2)</sup> objections. The Preses politicus, stands in the same position as the ecclesiastical Moderator whose Assessors have no further power than that of advising. The King in person could have but one vote; it would be absurd to imagine that the Commissioner through his Assessors should have any more. We can see that the royal Assessors with a right to vote were strictly unconstitutional; there was no reason why there should not be sixty instead of six, and it would not be impossible for the Commissioner or the King to swamp any opposition in any Assembly simply by the creation of Assessors for the emergency. Their right to vote was refused. In that Assembly there were those who were <sup>(3)</sup> ready to declare that the King had no more to do with the General Assembly than they had to do with his Parliaments, a doctrine which in one form or another has given Scotland plenty to think about ever since, <sup>(4)</sup> The Assessors, each distinguished by his leaden badge, stamped with a name and the seal of the Provost of Glasgow might remain to give advice but that was all. There followed protestation and

(1) Petition 131. ✓

(2) see Petition 121. for Sir James Dalrymple's reasons in the Protestation.

(3) Gordon 3/2. ✓

(4) 26. note



counterprotestation, tedious enough to the less leisurely methods of today. But these protestations were not unreasonable. They were efforts to keep the proceedings within the bounds of constitutional and legal usage. If Revolution were to come it would come along constitutional lines as far as might be, with no yawning gulfs to separate from the past. The Commissioner and the Assembly were each fighting for the mastery and were each reluctant to admit that either could tolerate the claims of the other. Hamilton's procedure ..... and here we get a glimpse of the sanity of the Assembly ..... was taken in good part. "How needless <sup>(1)</sup> soever manie of His Grace's protestations seemed to be, yet was I glad, for his way of proceeding; it gave me some hopes for his continuance among us. I thought this way of protesting had been reached wisely in Council whereby the Commissioners might sit till the end and yet by his presence import no farther approbation to any of our conclusions than he found expedient." Baillie's reading of the situation is not quite accurate. Hamilton certainly had a more sinister purpose in his mind, but the point to be noted is that even in the heat of the fierce controversy, Assembly and Commissioner seemed each to have appreciated the position of the other.

(iv) Election of Moderator and Clerk.

So many questions having been settled, the way was left clear for the election of the Moderator. Nothing was left to chance. The Commissioner would have preferred to see Andrew Ramsay in the chair. Ramsay had been a Chapter man, annoyed by the promotion of his colleague James Fairlie to the See of Argyle, so Baillie hints, now a keen protagonist of the Covenantant, and yet perhaps not unlikely to be more sympathetic with the Commissioner than some others. But Johnston had been busy long before. For some time he had been impressing upon Alexander Henderson "the absolute necessity <sup>(2)</sup> that he must be the Moderator." Henderson who was the humblest of men, was

- (1) Baillie 126. ✓
- (2) Ramsay's Diary 401. ✓
- (3) Baillie 6. ✓
- (4) Diary 400. ✓



was not eager for the post. " The Lord had been humbling him and exercising his mynd the whole moneth before." But Johnston was more than ever sure that Henderson was the right man, the chosen of God for the purpose ; in his shrewd fashion, he went through the noblemen and barons and " maid everyone sensible of that impression ". By Monday it had been decided that Henderson was to be Moderator, there being only one objection though that was a strong one . The Moderator as moderator seemed precluded from entering into the keen debates likely to arise and Henderson " incomparably the ablest of them all " <sup>(2)</sup>, would as Moderator be a perilous loss to the debating strength of the Covenanters. But as no other man had anything like the same qualification for the task, the risk had to be taken. His name with four others was put before the Assembly . The four others were make-weights ; no name was allowed on the list, likely to divide the votes. Nothing was left to chance. The vote was full and unanimous . Mr Alexander Henderson was chosen Moderator <sup>(3)</sup> be the voits of all the voits , not one contrary except his own ; and so it was , " that as was resolved before at the Tables In Edinburgh , one Master Henderson, the prime and most rigid Covenanter in the Kingdom was chosen Moderator " <sup>(4)</sup>. So far as his own party was concerned, no better choice could have been made and the appointment came as a fitting crown to Hendersons labours for the cause , during the strenuous days that had elapsed since he had been dragged into public life by the imposition of the Liturgy. We made a " prettie harangue " on his election, so we are told , and his prayer at the close of the day was grave , good , and zealous. The election of the Moderator is one of the Assembly landmarks . A great step forward had been taken. The Assembly had now its own chairman, elected of its own free choice and the way lay open for the discussion of business. That they meant business and plenty of it , is seen from the first resolution that was passed ; namely that the sittings should be from eleven to four or five . Often candles had to be brought in before they dispersed. An " earlie breakfast " sustained them till supper and so members were saved the cost of dinner . No modern Assembly has

(1) Wariston - Diary. 400.

(2) Baillie 121. ✓

(3) Peterkin 131 -

(4) L. Declaration 237. ✓

The order of events seems to have been as above, though Baillie, Gordon, the Declaration, and the Proceedings are at variance with each other.





set itself so <sup>69</sup>Spartan a standard.

After the Moderator came the Clerk and at the Friday Session, Archibald Johnston was appointed, not however without a struggle. There could be no doubts as to his fitness for the office for no man had a better grasp of ecclesiastical law and procedure than he had, onesided in his outlook though he was. As the Tables had arranged for Henderson's appointment, so it is likely that precautions had been taken to make Johnston's election sure. As we have seen, he had already distinguished himself in all the intrigues of the past twelve months. He had been Clerk to the Tables; his hand is to be seen in every important covenanting document; there could be no passing over such a "non-such<sup>(1)</sup> for a Clerk". As a matter of fact Johnston had made up his mind that he would not be passed over. As far back as October 17<sup>(2)</sup>th, he is much perturbed at the rumour that the Commissioner was throwing his influence upon the side of Alexander<sup>Gibson</sup>, Younger of Durie; in his Diary<sup>(3)</sup> for the 21st ~~October~~ November he notes that Gibson had a party behind him and he is undoubtedly afraid of the issue. "I heard that some wald haive had Durie clerk; I put it over upon God, and fully resigned my interest to him, that if I got it not out of the Lord's hand, I wald not meddle with it". It is likely that Johnston, though almost indispensable was not altogether popular, and for a time the election to the Clerkship may have been an open question. But it is also likely that on the evening when he convinced the noblemen and others that there could be only one man for the Moderatorship, he had also taken precautions to lead them to believe that there could also be only one man for the Clerkship. On the election day, Hamilton stood out against him both from policy and from conviction. With a Henderson in the Chair and a Johnston at the table, the complexion of the Assembly would be determined past all dubiety. But he took his stand upon grounds of equity. Whether he had ever intended to support young "Durie" or not, "Durie" is now dropped, and the name of Thomas

(1) Baillie 121. ✓

(2) Diary. 394. ✓

(3) Ib. 407. ✓



Sandilands brought forward. He was the son of James Sandilands Commissary of Aberdeen, Clerk to the Assembly since 1616, though his office must have been in the nature of a sinecure seeing that only one Assembly had been held since that date. Thomas had appeared at the Assembly as his father's deputy, had acted as interim Clerk since the opening, and now submitted his interest to the consideration of<sup>(1)</sup> the Assembly. The father, so the Commissioner argued, had not resigned; therefore there was no vacancy to be filled and consequently he could have nothing to do with any new appointment. Cogent reasons were brought forward to show that whether the father had or had not, been appointed by a valid Assembly, he was now unable to discharge the duties of Clerk..... duties which could not be transferred to another without the consent of the Assembly. Unable to make headway along this line of argument, Hamilton now demanded that his Assessors should be allowed to vote when the appointment was being made. Henderson ruled, as he was bound to rule, that as the Assessors had not been allowed to vote in the election of a Moderator, it was not fit to trouble them to assist in the election to an inferior office. This ruling did not close the discussion. Traquair made a passionate appeal to the Assembly, to comply with this desire of the King's that the Assessors' right to vote should be acknowledged. It was all to no purpose. The debate simply served to make the Assembly adamant against the Assessors' claim. At last the election had to be taken. Johnston and Sandilands are put up with three others. Johnston is elected almost unanimously, the Commissioner's intervention on behalf of Sandilands, doubtless serving to turn against the royal nominee, any wavering voters. Johnston accepted office and his own words on the great occasion are characteristic. "At my entree<sup>(2)</sup>, being prohibited before to make no speech, I did only acknowledge the weightiness of the charge, my own insufficiency and want of experience,

(1) Proceedings - 131-8 Petition.

(2) Diary - Johnston, 407.



God's Providence and the Assembly's unanimous good estimation bringing me that charge, and solemnly prayed the Lord to graunt me that occasion and assistance, so to dyte, wryte, minute and extract sutch reasons and conclusions as might declaire unto all, the royal prerogative of King Jesus, the Son of God above all prerogatives and might tend to the extending of His Kingdome through al the borders of the earth".

(v). The Registers..." A sore strok and cutthroat of our  
n adversaries. "

There followed a scene as important as it was dramatic. The Moderator called for the production of all Books and Acts of the former Assemblies. These Books and Acts were of the utmost value, if the continuity of Assemblies were to be maintained and if the attack upon Episcopacy were to be pressed home. Only from these Books and Acts could be inferred what the real policy and constitution of the Church of Scotland had been in past times, or, as it would have been put, before the introduction of the innovations. The records of the Church had never been printed; if the original documents could not be found, there was little or nothing to go upon but hearsay and tradition. The Bishops on their part too, realised the value of these documents and made no effort to produce them; indeed popular gossip credited some of them with having done harm to the old records. In response to the Moderator's request, Thomas Sandilands produced two and two only, declaring that his father had never been in possession of any more. These two were not of the greatest importance, as they contained only some Acts from the year 1590 to the Aberdeen Assembly of 1616 and the minutes of the Assemblies of 1616, 1617, and 1618. In what followed, it is tempting to believe that Henderson and Johnston were playing a part that had been carefully arranged beforehand. At anyrate, the Moderator appealed in earnest tones for the restoration of the lost Registers, the Magna Charta of the Kirk of Scotland, the repository of all her privileges

(1). See Diary 399, where Henderson is reported to have brought to Johnston, a Book "quith I can to fill up the wants of the other foore".





since the Reformation. They were the solid foundation without

" the whilk we wald have seemed to have builded upon sand ".  
(1)

Without them the cause of Presbytery stood in slippery places.

It was believed that my Lord of St Andrew's<sup>(2)</sup>, now a refugee in England, held them in his possession from whose hands there was little likelihood of their being rescued. Hamilton indicated his willingness to assist in the search. Rothes gave a sinister turn to the debate and voiced the suspicions of many when he declared that these Books had been delivered to the Archbishop, under royal warrant and that in consequence he must be compelled to give them up "by force and course". He tried<sup>(3)</sup> to persuade the Commissioner to issue an order to the Bishop<sup>s</sup>, enjoining ~~them~~<sup>them</sup> to surrender whatever Books were in ~~their~~<sup>his</sup> keeping. At this moment Johnston intervened and delivered<sup>(4)</sup> " that sore strok and cutthroat of the adversary " and his cause. There had come into his hands, so he alleged, all the materials for making up a "perfite<sup>(5)</sup> Register of the Kirk from the Reformation to this day ". To substantiate his claim, he laid five volumes upon the table. The first two volumes contained the Acts of Assembly from December 20th, 1560, to the Fourth Session of the Assembly of 1572, subscribed by one John Gray, Clerk to the Assembly. The third went down to the year 1579. The fourth ended with the Assembly of 1589, On the margin of both of these volumes was to be found the handwriting of James Christie, then Clerk to the Assembly. These four volumes had been received from Alexander Blair, depute Clerk to the Modification of Stipends The fifth volume, lent by a Minister, was a compendium of all the Acts from 1560 to 1590; it agreed with the contents of the other four volumes and by it " all sacrilegious rapine might be restored ",<sup>(6)</sup> this being a side glance at the fact that from one of the volumes certain pages were missing, which had dealt with the case of Archbishop Adamson and which had been "riven" out by that Prelate himself.

By this opportune and dramatic stroke, Johnston justified

(1) Dray 402. Henderson also describes them as the "Mayna Charlie" of the Kirk of Scotland. Peterkin 133.

(2) So says Rothes. Peterkin 133.

(3) Baillie 129. ✓

(5) Peterkin 133. ✓

(4) Dray 402.

(6) Baillie 129. ✓



his election. It is to be wished, however, that he had given us some more light upon the very interesting problem of how he was able to lay his hands upon these volumes so opportunely. We find two statements in the Diary. On August 16th, he notes that one David Aytoun brought in the "first volume of the Books of the General Assembly, which we have been seeking these many years and could never hear tell of till now". It has been suggested that this is the important fourth volume by which all omissions and sacrilegious rapine were to be restored. But upon November 15th we find this entry "Upon Foorsday Mr Alr, Henderson brought over Mr William Scots Book which I had heard and then saw to be authentic and to fill up the wants of the other four wherewith I was astonished and magnified God". This seems more likely to be the famous fifth volume and the above statement seems to be more in keeping with what we find in the Assembly report, that he had "but the len of it from ane minister". Though the Assembly later on approved all the volumes as genuine, suspicions have been expressed that they were only copies and not the authentic documents. But Johnston was no fool and his outburst of almost incoherent thanksgiving when he received the volume from Aytoun, guarantees that whether it was a copy or not, it certainly was genuine. "Blissed be the name of the Lord our God whose good hand, of ane gracious providence, is so sensible to cast all things and means necessary in our lap and to remove all impediments out of the way" and so on. The registers now being before the Assembly, the next business was to test their validity. The Moderator appealed to the royal Assessors for help. If they could give their approval there need be no further trouble or controversy about the Registers. Hamilton refused. He had no objections to the appointment of an Assembly Committee, but if his assessors could not vote, they certainly could not sit upon any Assembly Committee. It was a fair hit and Hamilton need not be grudged the point he scored. A Committee of Ministers was appointed, aided by three well known legal men who served as Assessors, the younger Gibson of Dury, Alexander Pearson, the advocate for the defence at Balmerino's trial, and Alexander Wedderburn, Town Clerk of Dundee, and to them the Registers were entrusted for examination.

(1) May 27/40 199.

(2) See note in Diary 6 page 374.

(3) Gordon 3/4. believes that Spotswood took the originals to England, where they disappeared.

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his election. It is to be wished however that he had shed light upon how these important documents came into his hand that we have is a statement in his Diary for August 18th, one David Aytoun, brought in the "first volume of the Book of the General Assemblée, quhilk we haive bein seeking, these year and could never heir tell of till nou". This is like the important fifth volume by means of which all sacrilegious and all omissions were to be restored. But who David Aytoun and how the volume came into Aytouns possession, these are questions that cannot be answered. On November 15th there is another statement. "Upon Foorsday Mr Alr Henderson brought Mr William Scots book quhilk I had heard, and then saw it authentik and to fill up the wants of the uther foore wh I was astoniched and magnified God. "

The Book of the General Assemblée



The Assembly , now in possession of a Moderator and a Clerk both duly elected, was for passing on to examine the commissions of the Members when once more Hamilton interposed and desired that the document presented in the name of the Bishops should be read. In a flash the fires of fierce debate were rekindled , nobleman for the most part clashing with nobleman while the Moderator kept asserting himself at opportune moments. Hamilton could hardly do anything else than press for the reading of the Paper; the Covenanters dared not take the risk. On the one hand it was argued that as the Bishop's paper<sup>(1)</sup> contained many things needful to be known before the Assembly could be properly constituted , it ought therefore to be read . The things needful to be known were , of course, the refusal of the Bishops to acknowledge the right of the Assembly to try them and their pleas against the very validity of the Assembly itself. On the other hand , it was laid down dogmatically<sup>(2)</sup> that no business of any kind could be discussed until the Assembly were properly constituted and there could be no proper constitution until it was seen who had , or who had not , the qualifications necessary for a seat in the Assembly . At first glance the dispute seems to smack of hairsplitting but a real issue was at stake. The Larger Declaration<sup>(3)</sup> points out and points out rightly the dilemma in which Hamilton was being involved. Let him agree to the trial of the Commissions and so to the proper constitution of the Assembly : But then the objections taken by the Bishops to the validity of the elections would be quite useless , as , ipso facto these elections would already have been approved. If the Commissioner gained his point and the Declaration were read first of all , the Assembly might easily be discredited . For reading would lead to discussion and with an unconstituted Assembly , there would be no authority , apart from the Commissioner , to settle whether the Declaration should hold good . This was a risk that dare not be faced. Quite apart from the risk, the Covenanters were on sure ground . There could be no real Assembly before which anything could be laid until the commissions were inspected

(1) Declaration 134. ✓

(2) Ib.

(3) Declaration 238.



Apple steaks

and found to be in order. It was decided then that the Com:

missions should be taken first of all ; after that, the paper might be read at the earliest possible moment. Hamilton refused to yield. He took Instruments and asked the Clerk to make out an Act , to the effect that his acquiescence should not be in any way prejudicial to the Lords of the Clergy. Johnston's answer was logical enough . He was quite prepared to draw up such an Act , but until the Assembly were properly constituted he could not give an official extract . In draughting this protestation , his usual assurance seems to have forsaken him , for he made so unsatisfactory an appearance , (so Baillie alleges)<sup>(1)</sup> , as to elicit Baillie's sympathy , who doubtless felt that Johnston was still young enough for the magnitude of his task. He was indeed only twenty seven , but he required no pity from Baillie or from any one else.

It was during the course of this debate that Argyle<sup>(2)</sup> , not yet a declared partisan of either side , first opened his mouth and stated a case for the Bishops . The Assembly, he argued , was an Assize called and convened but not yet sworn ; why should the Bishops summoned before the Assize , not be allowed to give in their exceptions to the Judicatory. Henderson by this time fully convinced that the discussion had gone far enough , with a flash of angry sarcasm .....he could be choleric enough when he cared<sup>(3)</sup> , ... took a firm grip of the Assembly. The Commissioner would be heard and would be heard gladly, he said but no one else should speak in the Commissioner's place . They had something else to do in that gathering than try to answer all the difficulties that a number of witty noblemen could propound. It was Argyle who incurred the rebuke but the rebuke was meant for others of the Commissioner's circle and as Argyle was too valuable a man to be alienated , Loudon promptly turned the edge of the rebuke. Argyle's point , he said , would have been sound , had the Bishops taken their place before the Assize. The discussion dragged on its tedious length for some time longer

(1) Baillie 130

(3) Baillie 130 ✓

(2) Peturkin 135 ✓



but the issue was never for a moment in doubt. It is a fact worth noticing, that the Assembly majority, an overwhelming majority as it turned out to be, showed little impatience with the efforts of the royal party to delay the business of the Assembly, even to the point of obstruction; especially noteworthy it is when we remember that on this occasion at least the royalist speakers were none of them members but only assessors to the Commissioner. It is true that they could well afford to be so tolerant, as the "prime" Covenanters held the fate of the Assembly in the hollow of their hands. The net result of this debate was, that after a long and trying day, the prospects of the Bishops had become blacker than ever. There was to be no reading of the much talked of Declinator until the Assembly had been properly constituted and in an Assembly winnowed as the leaders by their previous action had winnowed it, the Lords of the Clergy might expect short shrift.

(vii). A Glimpse behind the Scenes.

Saturday, the 24th saw the fourth Session. An hour after the fixed time for opening, the Commissioner made his appearance. With his future action uncertain, members must have passed the hour of waiting in uneasy surmises. But the explanation of the delay was simple enough. The day was hardly long enough for Hamilton to overtake all the business that faced him. Every step had to be discussed with his Assessors and with his "cabin counsell" while full and complete reports of the proceedings had daily to be sent to the King. These reports must have made sorry reading in Whitehall. They show the Commissioner gallantly fighting his forlorn hope but only too conscious that it was a forlorn hope he was fighting. There are few upon whom he can rely. The majority of the Council are as hot for the abolition of Episcopacy as any puritan minister of them all. On the 22nd he writes to say that he can carry on till the Saturday when the inevitable break must come. His own life is

(1) Baillie 131. ✓

(2) Hamilton Papers. Letter of November 22<sup>nd</sup>. 59-60.



in danger , though no such fear will prevent him doing his duty. The break, however, did not come on Saturday as he had anticipated he certainly expected the crisis to come with the reading of the declinator but that reading had been postponed and there was still a breathing space. On the Tuesday the 27<sup>th</sup>, he sees that the end cannot be delayed. Saturday and Sunday were gained by shifts only but he is now at the end of his resources. He is under no illusions as to how the Assembly will act: the members are resolved to disobey any command for a dissolution; more than that, they are prepared to proceed to censure the Lords of the Clergy whether they are present or absent and in spite of the declinator ; Episcopacy they will declare contrary to the Word of God and established unlawfully in the Kingdom ,while the Service Books will be condemned as popish , with " a thousand madnesses more ".The prospect is black but Hamilton will not shrink from resisting their illegal proceedings ,as long as his life lasts.

To this same date Tuesday the 27<sup>th</sup> belongs that famous despatch in which the Commissioners reviews the situation and in so doing adds thumb nail sketches of many of the leaders. He is sorry he has been so great a failure in that unlucky country . The root of the whole trouble was the ill advised action of the Lords of the Clergy. Their pride was great and their folly greater and they had muddled a task that , gone about the right way, had been easy enough. They had laid themselves open to attack in many ways for , while some of them had not the best of reputations , many were inclined to simony and the master spirit of them all ,the Bishop of Ross ,was universally hated. In this frank attack upon the Bishops, Hamilton shows that King's man though he was, he shared in the dislike felt for them by the mass of the nobility and it is noticeable how he shifts upon their already overburdened shoulders , a good deal of the responsibility for the trouble ,that rightly should have been ascribed to Charles himself . But all through the fiction is

(1) Letters - November 27, p 60-1.

(2) Quoted Petelin 113-4.





maintained that the King was wholly in the hands of his advisers and ill advisers at that. In spite of everything that pointed to the contrary, they looked upon the King as innocent; so deeply ingrained in the Scots character were respect and reverence for the Monarchy.

Though the letter deals more with the general situation than with the Assembly, still it is overshadowed by the Assembly. The King's friends are depicted with shrewd skill in character reading. Traquair with all his faults is a most active man and hath many excellent parts. Roxburgh's limitations are regrettable, but he must be made use of as he is a powerful man in the country. Tullibardine is reckoned to be honest; at anyrate he is a true hater of Argyle. "Wigton, thanks be to God hath no great power for if he had it, it would be used the wrong way." Lauderdale is a man of no great power but he is honest. Southesk has shown himself "forwardly stout" in all that concerned the royal service. As for the Covenanters, they may be all classed together. Their leaders are Rothes, Balmerino, Lindsay, Lothian, Loudon, Yester and Cranstoun. Amongst the rest, none is more "vainly foolish" than Montrose. To set down theingleaders of the gentry, burghs and ministers, is too big a task. Argyle has his character painted in unflattering colours. He must be well looked to for he is likely to prove the most dangerous man in the Kingdom. He is dead against Episcopacy and is looked upon as an example of the true patriot. "And truly, Sir, he takes it upon him". As for the whole covenanting movement, religion is the outward driving force but other thoughts are simmering below. Then he proceeds to give what advice he can for the defence of the Kingdom. Let Carlisle and Berwick be secured; the royal ships prey upon traffic in the Forth and above all let His Majesty come down in person with a royal army to teach or to compell reason. He ends with an outburst of something like pique, not at all unnatural to a generous soul, sick at being sent to right a world out of joint; he washes his hands of his country; his sons will be bred in England and his daughters married out of Scotland.



Such is the gist of this interesting letter. It is the confession of a man who has failed . He had undertaken the task with reluctance ; it was a task beyond his strength for he was no match for the political and ecclesiastical intriguers opposed to him ,while he was conscious enough that whatever public opinion there was , was on the side of the opposition. He failed but it is questionable whether any one else would have succeeded.

(viii). The Commissions at last

Hamilton had arrived late at the Cathedral on the Saturday and so delayed the business of the Assembly . On his arrival, the Moderator suggested ,that for the quicker despatch of business , matters might be handled in his Grace's absence , on the understanding that he should be kept well informed of all that passed. To this proposal Hamilton made objection in the strongest terms. It was his business to keep the King fully informed of all that was transacted and to that end he must be a witness to all their proceedings. There is force in his argument. Irretrievable decisions might be arrived at in his absence while with the situation so unstable ,he could not run the hazard of leaving the Assembly to its own devices. But still , if it was his business to report in full to the King, it was also his business to be present when the Assembly opened at the hour which had already been unanimously agreed upon. However the Assembly accepted Hamilton's position, to their credit ,it may be said ,especially when there was taken into consideration how sensitive the Assembly was to its authority and dignity . If the break ever did come, it would come ,not upon some trifling side issue but upon a matter of the first importance. That seems to have been the prevailing opinion.

The examination of the Commissions occupied most of the sittings on the Saturday and the Monday. This examination was mainly formal for the propaganda work of the Tables had been so thorough that the Commissions were nearly all in the same set strain and consequently in order. But one or two illuminating incidents emerged . The Commissions were read in the order of the Roll of the Assembly , the procedure agreed upon being ,that



whenever exception was taken to any commission, that commission should be set aside for further examination, while the rest should be sustained without any further trial. To this arrangement Hamilton gave a qualified approval; if he were silent, his silence was not to tie his hands or prevent him later on from challenging, any or all of the Commissions. One hundred and twelve were presented; the purged Roll<sup>(1)</sup> gives one hundred and one there is an obvious omission of three burgesses from Dumfriesshire which bring the total to one hundred and four; that leaves eight to represent the Commissions of those who were disqualified or who left the Assembly with the Commissioner. But it is quite impossible to come to an accurate finding, as the Roll and the Proceedings of the Assembly refuse to agree. In the latter for instance, there is no reference to the City of Edinburgh or to the Presbyteries of Perth and of Forfar, the representatives of which are all given in the former. The matter is of no great consequence, the main interest of the two sessions, centring upon the Commissions that were rejected or debated. Of these according to Henderson there were thirteen, though an examination fails to give that figure. Two things are clear. The elections had sent up a body of men of covenanting sympathies; those that were rejected, were rejected mainly because they were suspected of royalist and episcopal sympathies. Exception was taken to the Commission from the Presbytery of Peeble, presumably upon the ground that Traquair, the Lord Treasurer, had exercised undue influence in his own country. Hot words passed. Traquair in particular was indignant that a great officer of State should be so aspersed. After much debate the Commissions were sustained and the objector gently admonished. There may be some truth in the allegation of the Larger Declaration that the Peebles representatives were opposed, not because they were dangerous but because the election had sent them up and <sup>had rejected</sup> not the nominees of the tables. The University of Glasgow sent up four members instead of one. It was ordered to convene afresh and

(1) Peterkin 109-11.

(2) Peterkin 135 et seq.

(3) Peterkin 137.

(4) Declaration 245.





afresh and nominate a ~~new~~ single member ,but this was never done. The Glasgow Presbytery elder, the Earl of Eglinton was opposed by the Commissioner himself but in vain. Was there territorial jealousy behind the objection ? Rothesay had sent commissioners ,under the notion that it was a Presbytery, although it was actually part of the Presbytery of Irvine ; the commissioners were not allowed to vote. Kincardine <sup>(1)</sup> o' Neil found all its representatives disqualified but one ,because the election had been carried through by the Bishop himself without the co-operation of the elders or of the Kirks. From Aberdeen came two sets of Commissions . There the Presbytery was rent in twain and each faction sends its own representatives. The Covenanting party, mainly elders had sent up the minister of Belhelvie ,<sup>(2)</sup> " a bold, pragmatic man ", together with Dr William Guild , a man equally bold <sup>(3)</sup> and pragmatic . These two were accepted by the Assembly ; the other commission was rejected on the ground that the election had been made not in place or in face of a Presbytery but at a private gathering .Such was the pretext but the reason was the Episcopal leanings of those elected. There were regrets at their rejection for the Commissioners included two of the famous Aberdeen Doctors , Sibbald and Barron ; the third ,Hervey minister at NewMachar alone had the courage to go to Glasgow but in vain. He was not allowed to sit. His two colleagues whether from fear or from a sense of its futility, never faced the journey. But it might have been a sound thing had they made the journey for many desired to hear the cause of Episcopacy championed in the Assembly by its most formidable protagonists and an opening would likely have been given them. Amongst the other rejections are Andrew Logie ,against whom a libel was outstanding but who was Bishop's man through and through; Thomas Mackenzie from the Chanonry of Ross who may be said to have invited his fate for he presented a Commission which authorised him to sit in the Assembly no longer <sup>(4)</sup> than the King or his Commissioner should be

(1) ~~Stewart 296~~ but he gives no authority. ~~His statement~~. P. 135.

(2) Belhelvie 135 ✓

(3) Ib. 135 ✓ See also Larger Declaration 243 ✓

(4) L. Declaration 243-4 ✓

The Brechin Case

pleased to continue it," because the sole power of calling and dissolving Assemblies did belong to the King", ; and besides, he had been heard to say that at the election members of the Presbytery had been intimidated by the agents of the Tables. On his rejection Mackenzie, evidently a man of great courage, immediately made a protestation against "this Assembly of Ministers and Elders". Last of all, an absurdly irregular commission from Orkney was rejected; it was attested neither by Presbytery nor by Ministers. These, with two exceptions still to be noticed, ~~the~~ the Commissions that were impugned. The objections are rare and when made are made on valid grounds. But men like Baillie saw the danger of an Assembly, so much of one way of thinking. It is to be wished that the extraordinarily efficient leaders had used their strength a little more generously and permitted the presence of an opposition strong enough to have stated its case. But these were not the days of either political or ecclesiastical generosity.

The two exceptions are interesting by reason of what was revealed in discussion. The University of Aberdeen sent up James Lundie, <sup>(1)</sup> the Professor of Humanity, (master of the Grammar School Gordon makes him out to be). He was sent up, so his commission ran not as a member, but as an agent to look after the interests of the University. Henderson at once ruled it out but before his decision could be approved, something or other was whispered in his ear which made him re-read the document and revise his judgement. What was lacking in the Commission, he said, was only the proper form, a lack which might easily be passed over. Lundie was too stout a northern Covenanter for him well to be spared. This is certainly one act of violence done in the examination of the commissions. Lundie exceeded his powers and the Assembly discredited itself by admitting him.

Of far more significance was the discussion that raged round the Commission from the presbytery of Brechin; during that discussion a momentary forgetfulness on the part of Johnston, disclosed a state of affairs, long suspected and hinted at but now made manifest. Here at last in open Assembly was evidence that the election had been a "coupon" election. The point at issue was

who was to be the lay elder. Two sets of Commissions had been sent

(1) *London 3/10 and note for a full statement as to Lundie.*

(2) *Peterhead 136. Declaration 242.*



up , with only one name common to both , namely that of Mr Lawrence Skinner ; so much may be inferred <sup>(1)</sup> from Henderson's vain effort later on to allow representation to Brechin , by giving that minister the right to sit , upon whom both Commissions agreed. There seem to have been two meetings of Presbytery ; at the first the Laird of Dun was chosen ruling elder; at a later and fuller meeting , ( if the <sup>2</sup> larger Declaration is to be trusted ) the choice fell upon Lord Carnegie, son of one of the royal assessors, the Earl of Southesk. The Laird of Dun was strongly supported by Montrose who ~~from~~ for some reason or another , opposed Carnegie , his own brother in law. Carnegie was a Covenanter but possibly not extreme enough for the future last hope of the royalist cause . Dun apprehensive that his appointment would not be sustained had sent his commission to the Tables in Edinburgh for their approval , an approval which was noted on the back of the commission with the addendum that Carnegie's election had been made contrary to the directions of the Tables. Johnston <sup>3</sup> caught nodding for once, read out this ingenuous statement , stopped when he grasped the bearing of what he read and refused to read any farther. Hamilton, all alert , sure that he had his opponents upon the hip , demanded a copy of the commission, the copy to include what had been written upon the back. The Moderator refused to allow the incriminating statement to be handed over , on the ground that it was a private note , which had become public only by accident . The Commissioner insisted . Hot words were bandied about . Loudon declared that they had the right not only to withhold but to "ryve" <sup>3</sup> it . Montrose in his passionate way exclaimed that he and those who had signed with him, stood by every jot of what had been written . Hamilton asked that it might be put to the vote whether he was , or was not , to receive the full copy. That being refused, " Let God Almighty judge " he cried " whether this be a free Assembly in which his Majesty's Commissioner is denied that which cannot be denied to the mean:

(1) Peterkin ✓

(2) Baine 132 . Declaration 141.

Peterkin 136.

(3) Peterkin 136 ✓





nest of his subjects " Thereupon he took instruments that he had been denied a copy of a declaration delivered to the Assembly in which amongst other things was contained " that the election of the Lord Carnegie was invalid as being contrary to the directions of the Tables in Edinburgh. Henderson, with a smile presumably, remarked that his Grace's statement was so accurate, that he required no copy. Like a flash, Hamilton called all present to witness the fact that the Moderator had acknowledged the accuracy of his description of that Commission of which he had been refused a copy. Sir Lewis Stewart, the legal member among the Assessors, interfered in the discussion, only to be told by Montrose that he had no right to speak there. Henderson in a moment of irritation snapped out that it would be far better to dispense with all the representatives from Brechin than have the real business of the Assembly so delayed. Southesk retorted sharply, only to apologise when Loudon reminded him that it was unfitting for any Lord to upbraid a Moderator, "for preferring the public weill and the affairs of the Assembly to any man's particular". At the last, Hamilton had himself to intervene, "to moderate the Moderator and to quench the heat of the Assembly, for which many gave him thanks". It was left to a Committee to come to a final decision in the matter and ultimately both sets of commissions were rejected after discussion on several subsequent days and the Presbytery of Brechin was left disfranchised. Several comments might be made on this discussion. It is an illustration of the fact that in all public gatherings, the fiercest controversies blaze out on side issues. It is also an illustration of how acutely Hamilton seized every opportunity to delay the business and to sow dissension. He certainly made his point; whether the point was worth making is quite another matter.

The trial of the Commissions had occupied almost the whole of two long Sessions on Saturday and Monday and the dusk of the Monday afternoon was rapidly deepening before the Moderator was in a position to declare the Assembly fully constituted. Before he could so pronounce, a controversy had sprung

(1) Declaration 742. ✓

(2) Do. ✓

(3) Peterkin 136. ✓

(4) Declaration 742 & Peterkin 136. ✓

(5) Psalm 2:11. ✓

Ramsay's answer to Mackenzie's Challenge

up, which threatened to delay business even further. When Mackenzie of the Chanonry had made his protestation against the Assembly, mainly, it would seem on the ground that lay elders were present, there were members enough both lay and cleric who were only too eager to respond to the challenge. Mr Andrew Ramsay in a manner more enthusiastic than dignified and certainly not too becoming to a Professor of Theology, climbed upon a form, "lyke a little cock" (1) (the phrase comes not from his opponents but from his admirers) and declared his willingness to prove from all relevant sources that lay elders were lawful and necessary members of Assembly. Hamilton promised, at a more convenient time to produce those who would accept the challenge and so the matter was passed by. Dr Balcanqual, later the author of the Larger Declaration, was expected to pick up the glove, but he did not rise to the occasion although he was at that moment in the Commissioner's suite. Of Ramsay two opinions were held; (2) the one being that he would never be able to make good his "bragge" the other that he was a match for any of his Grace's disputers. With that we may let it rest. The subject was not one on which both sides were likely to come to an harmonious agreement.

(3)  
And so "By God's singular favour, we have place and power to vote and treat of all matters that shall come before us", said the Moderator in a burst of thanksgiving. The intrigues, the plotting, the hazarding of life in a generous struggle for religious freedom (all these elements are involved), had issued in an Assembly, more of one mind perhaps than any other elected body ever yet has been. There is much truth in the jibe levelled against it by the royalist party, (4) "The Assembly" being just the same thing as the Tables were in Edinburgh, the Moderator being the same who governed them at Edinburgh though not so formally chosen as now the Clerk of the Assembly being the same who was Clerk to their Covenant and to their Tables at Edinburgh, the members of Assembly being the same who sat there and these the most corrupt and dishonest of them all". With some change in the adjectives, the criticism holds good. The Tables had done their work only too thoroughly, but they never could have so achieved their ends, had

(5) not the great bulk of public opinion been with them.  
(1) Gordon 3/11. Note. (2) Baillie 136. (3) Petition 137. (4) L. Declaration 246.  
(5) Lang 2/41 is unfair when he says "They were not going to hear election petitions". Only one election petition was objected to.

The Register

monasterio de San Mateo

( ix). A Lull before the Storm.

Saturday and Monday gained<sup>(1)</sup> mainly by shifts, Tuesday brought the crisis nearer though the proceedings were quiet enough compared with the fierce altercation of the previous day. There is a certain amount of confusion in the various records as to the exact order followed by the business. But it is clear that the first item called for was the report of the Committee, appointed to deal with the Registers. The approval of these Registers as authentic was as we have seen a very necessary step in the campaign. Only from them could the weapons be furnished with which to fight Episcopacy and only from them if they could be declared genuine past all doubt. The Committee were unanimous in their opinion that the Registers were genuine and submitted nineteen reasons upon which their conclusions were based, all of which reasons were read out and are still to be found in the<sup>(2)</sup> Assembly records, though there is no need to reproduce them. The Larger Declaration expresses its amazement that in so short a time, from Friday to Tuesday, volumes so weighty and lengthy could have been satisfactorily examined. But the reasons brought forward do give proof of an almost meticulous examination, if not by the Committee itself, and lead to the presumption that during the time the Books were in his hands, Johnston had~~de~~ with his usual thoroughness faced up to the question and had all the materials ready upon which a Committee might base its judgement. The Assembly was prepared to vote approval without delay; even the Commissioner<sup>(3)</sup> was prepared to admit that many of his scruples had been removed, though his reception of the report was not and could hardly be, enthusiastic. But the Moderator with shrewd wisdom decided not to put the question of approval to the vote then and there. It was necessary above all not to give grounds for the "sinister construction of<sup>(4)</sup> precipitation" and the final decision was postponed to the following day.

" Then the Moderator<sup>(5)</sup> professing his own insufficiency for so weighty a charge, craved that some assessors should be joined to him in private conference for ordering of matters to be propounded

(1) *Hannah Papers*. 2nd 274. p 61. ✓

(2) *Peterkin* 22-4. ✓

(3) *Ib.* 139. ✓

(4) *Gordon* 3/13. ✓

(5) *Peterkin* 139. ✓



The Declinator read

in the Assembly ". Opposition came from two quarters. David Dalgleish had seen too much mischief flow from such conferences, while the Commissioner held that " overtures and proponing of matters do principally belong to his Majesty ". and he made his now favourite protestation that his acquiescence was in no way to prejudice his Master's service. Rothes insisted stoutly that the ordering of such matters belonged to the Moderator ." Indeed I am well pleased to hear that from you ", retorted Hamilton " but I must be careful of my Master's right " and I hope it shall be seen to future ages that I have been an honest and trusty servant to my good and gracious Master ". This insistence , more than once repeated , upon his integrity , seems to indicate that Hamilton was conscious of the suspicions levelled against him not only by his opponents but by members of his own party. Guthry <sup>(2)</sup> as we have seen goes so far as to hint that the Commissioner had sold the pass, and there were many more extreme than Guthry shows himself to be. The Moderator's crave was granted with qualifications . There was to be no private conference and there were to be no permanent assessors , but he was allowed to choose some with whom he might confer in private , while Hamilton relented so far as to promise his attendance at such meetings whenever his leisure was served. The point seems to be something like this. Henderson might have a Committee with whom to consult , but the Committee was no regular official Committee of the Assembly and its findings were for the Moderator's guidance only , not for the Assembly . Rothes Loudon and Montrose were amongst the chosen , a sufficient indication of the calibre of the assessors. At the same time a Committee was appointed to receive Bills, References and Appeals and then the Assembly was ready to tackle the business for which it was summoned.

There was no longer any reason why the Commissioner should not have his wish granted , and so when once more he urged the reading of the "Declinator", the Assembly agreed to the request. The reception of the document shows from what height to what depth the once all powerful Lords of the Clergy had fallen in the estimation of their presbyters. Two years ago and their power and authority were on the increase . No office of state could be looked upon as beyond their reach and now so far from being formidable

(1) Peterkin 139. ✓

(2). and p. 57. ✓

Petitions against the Assembly

they and their claims had become almost ridiculous. in the eyes of this grimly in earnest Assembly. " Some did smile, others laugh and jeere at it whilst it was a-reading." According to one account of the proceedings, plans had been made for the reading to be received with a general hiss; but second thoughts prevailed and the demonstration was spontaneous and undoubtedly more effective. It is not easy to say whether this description of what passed is exaggerated. Baillie is quick, as a rule, to note and resent any acts of discourtesy on the part of the members, but here he has nothing of censure to say. The jeers and laughter may well have been noticeable only to partisan ears; on the other hand it is not at all unlikely that the atmosphere of the Assembly blinded even Baillie, to a display of levity, unworthy the dignity of the Assembly, the importance of the occasion, and of the long and reasoned statement of the case for the Bishops. The reading was followed by the inevitable crop of protestations. The younger Gibson<sup>(2)</sup> on behalf of those who had signed the Complaint, took instruments that the Bishops by their Declinator had acknowledged their summons, had appeared by their proctor, were wilful in their absence and he craved that sentence should be given against them, as though they were present. Hamilton also made his protestation and discharged the Bishop's Proctor from appearing before the Assembly. He emphasised the importance of the Declinator and did not hesitate to characterise the Complaint of October 27th as infamous and scurrilous.

<sup>bickering among the outposts</sup>  
The outposts skirmishing is over and the main battle joined. Hamilton delivered his full attack, though that attack proved to be much less formidable than might have been expected and indeed was expected." the huge<sup>(3)</sup> number of protesters wherewith we were often boasted " turning out to be small and of little weight. His aim was to discredit and to invalidate the Assembly as far as he could by the presentation of protests against it. But he could produce only three more or less official protests from those who were entitled to protest; one signed by the Dean of Edinburgh with twenty others, though some of the names are doubtful; one from a small company of ministers from Dundee and

① Gordon 3/14. L. Declaration 247.

② Baillie 137.

③ H.

④ Gordon 3/16. note.

The Glasgow Region

its neighbourhood ; and a third from various members of the Presbytery of Glasgow . The crave of the Edinburgh petitioners is briefly as follows . They thought it their duty to lay before the Commissioner and the Assembly , their just fears " which arise from the sudden encroaching of the laick ( now called ruling elders ) in diverse Presbyteries of this Kingdom , having chief hand in choosing of Commissioners there , lest they with the Commissioners thus elected , may bring upon the neck of the ministry and Church here , the heavy yoke of overruling elders in all times coming , to the no small hurt of us and our successors in the Gospel ". They asked that all Commissioners should be removed in whose election the laick elders had a hand and that for four reasons . First Laick Elders have no power to elect Commissioners to the Assembly. Second, even if in earlier times such laick elders did sit in Presbyteries , that right had vanished through desuetude . Third , at this election , such elders equalled if they did not outnumber the ministers , an unconstitutional procedure even for the days of old . Fourth , the business of the lay elder was to assist in discipline , not to meddle in doctrine . For these and other weighty reasons they protested that unless such Commissioners were removed , all the Acts and conclusions of the Assembly , should be held as null, void and of no effect.

(1)

About the Glasgow petition a very pretty story of intrigue has emerged , worth the retelling, if only to show how thoroughly the leaders of the Assembly were doing the work that lay to their hand. Glasgow had never been very whole hearted for the Covenant, least of all the University . Indeed the royal decision to hold the Assembly there may have been influenced by the consideration that there the atmosphere ~~may have~~ would be less chilling for the royal plans and purposes, than elsewhere. We have already seen that the University had made an effort to be represented by four Commissioners , who were all rejected for sound constitutional reasons , so that in the end the University was left unrepresented . Its Principal Dr Strang had for some time been suspect to the extreme Covenanters. He seems to have

(1) Lange Declaration 268.

(2) Baillie 133-4 , Declaration 267-8.





attempted the difficult task of sitting upon the fence , a task in which he found neither success nor credit. When the Presbytery had met to elect its Commissioners, he had urged various objections though he did not have the courage to make a formal protestation against the proceedings. Later on however , along with a leader of the "Die Hards " , Mr John Maxwell , he did draw up a formal protestation against the election of and by lay elders , and so against the legality of the Assembly and to this document he had procured seven signatures. The subscribers mingled discretion with their courage , however, and the document was left in the Principal's hands , not to be presented except by consent of all . The inevitable was in the camp , in this case William Wilkie , Minister at Govan , a man with the reputation of being an ecclesiastical spy ". Wilkie procured a copy which he handed over to the Marquis . Only on the third day of the Assembly did it come to covenanting ears that this document, likely to be a formidable one from the position and rank of the subscribers , was in his Grace's hands. Swift action was taken . On the Monday Dr Strang was summoned to my Lord Loudon's chambers ,( the nerve centre of the campaign ) Henderson, Baillie , Eickson , Rutherford , all entreated him to withdraw the protestation; as he was reluctant to do so, words became harder and keener. Unless you withdraw, was their tenor, we must treat you as an open enemy, The unhappy Principal was in a difficult position. Either way was discouraging . Other kind of pressure was brought to bear upon him. His wife was got at, Lord Lindsay bluntly informing her that " he and his must be utterly ruined , if she could not prevail with him for withdrawing that protestation ". ( It is not easy to make out whether it was Strang or the Covenanters for whom ruin was prophesied ; most likely the grim forecast was a threat against the Principal ). The tears of his wife overcame the scruples of one who was not cast in the heroic mould . So it was that when the Glasgow Protestation was about to be read out , Dr Strang asked for and obtained a respite , much to Hamilton's disgust and not at all to the satisfaction of the Assembly for the request was made with reluctance

Mistakes as to date

and with no great heart. It<sup>91</sup> was in vain that ~~Glasgow~~<sup>Hannell</sup> insisted ; the Glasgow bomb became the dampest of squibs. The incident is not a pleasant one to contemplate. It already shows that intolerance of other men and their opinions , upon which the great Covenanted party, now a band of brothers , was to be shivered in the near future.

By this time the day was far spent . The business of dealing with the Bishop's Declinator was deferred to the morrow. But in spite of the lateness of the hour , the Assembly frugal as well as lavish of time , listened patiently while the Moderator " caused read some extractes of citations , whereby it was proved that ruling elders ought to have place and vote in Assemblies". This series of extractes is attributed to David<sup>(1)</sup> Calderwood , the historian , who we can see from Johnston's Diary , shared with Johnston much of the propaganda work and who though not a member of the Assembly , seems to have carried out the duties of something like private secretary to the Moderator. And so closed the first week of the Assembly. The question that now agitated many a heart was What would the morrow bring forth ?.

#### Q IV. THE CRISIS OF THE ASSEMBLY

We have now reached Wednesday November 28th , the day of the fateful seventh session , when the Commissioner ordered the Assembly to discharge itself. It may be noted in passing that one or two writers who deal with the period , give the fateful date as the 29th. " On the 29th when the Assembly was to begin its work it was known the royal countenance was to be withdrawn.... The Commissioner delivered a parting address , stating those grounds which he could no longer give the royal countenance to the meeting. So Hill Burton. Orr in his Life of Alexander Henderson falls into the same error, stating that the Commissioner rose and left the Assembly on the 29th. But this is an oversight and one that can easily be explained. It is due to a strict following of the Report of the Proceedings of the Assembly in the Folio M.S.S. of Peterkin , many of which dates are clearly wrong especially at the beginning. For instance Session 5 is given for the 25th , the

(1) Baillie 137. ✓  
(2) Burton 6/229. ✓

Remains

Meeting of Council

the Sunday upon which there was no meeting. In <sup>(1)</sup>the brief Abstract of Proceedings authenticated by Johnston himself, the 29th is also given as the day of the crisis. But in that Abstract there are several absurd errors, like the election of the Clerk on Sunday the 25th, instead of upon the 23d. There can be no doubt at all that the Session was the seventh and the date the twenty ~~ninth~~ eighth.

There was an early sederunt. As members gathered in the precincts of the Cathedral, rumours went flying to and from that the Commissioner was, that day, to seize an opportunity for leaving the Assembly. A special order had been sent him from the King by the hands of the ambitious Bishop of Ross. So it was said. The rumours of a crisis, even if they had no other ground than imagination were strengthened by the fact that Hamilton and his Council were sitting in the <sup>(2)</sup>Chapter House, for which meeting a summons had been sent out the previous night. At that meeting Hamilton informed his Council that he intended to dissolve the Assembly. Argyle asked whether the Commissioner wished for the opinion of the Council on the two points of the legality of the Assembly and the necessity for its dissolution. The Marquis repeated that his instructions were to the effect that if such and such happened, as it had happened, he was no longer himself to assist at the Assembly or permit it to continue. Such was his Majesty's command and he desired the approbation of the Council for the step he was taking. He required their advice only as to the best method for discharging the Assembly; but he refused to discuss the question whether it was fit or unfitting that it should be discharged. In a session of two hours length he could get no advice from his Council. Fresh from this discouraging meeting he entered the Assembly, in all likelihood with the hope that the momentous decision to which he had come, would be sprung unawares upon the Assembly. But the Assembly was not so to be taken unawares. <sup>(3)</sup>The early morning had been spent by Johnston in the preparation of a protestation in case the Commissioner should decide to leave. He at least had no doubts as to what was likely

(1) Peterkin 42-7. ✓

(2) Hamilton Papers. see 1<sup>st</sup>. p 62. ✓

(3) Diary. 402. ✓



Regstein approves

to happen. Hamilton's instructions had indeed been explicit

enough. " I never expected " <sup>(1)</sup> writes the King other than that you would have too just grounds to dissolve the Assembly and certainly I were unjust if I did not approve you therein , since not only your instructions warrant you the same but even the Council hath testified to me the necessity of it ". Hamilton had tried and had tried strenuously to block the Assembly by sowing dissension , by questioning the legal status of many of its members by delaying its being properly constituted. These devices had failed; nothing remained to be done but to discharge the Assembly.

The first business handled was the approval of the registers. Henderson asked , more than once, for those who had objections to make them; otherwise an Act would be passed declaring the Books authentic . The Commissioner without producing the scruples which the day before he had promised to produce , solemnly protested that neither the King's Majesty nor the Bishops should be wronged by any Act in these books and that they should be bound by no Act in any Book which had not been subscribed by the Clerk of Aberdeen , the ground for his protestation being the exceptions he had already taken against the Assembly and many of its members. Against the Books themselves he had nothing to say , even when Rothes challenged him to produce his scruples. By this time of the day a protestation from the Commissioner had lost both its novelty and its terror. He failed to make as skilful as use of this weapon as his opponents had done. " Every weapon <sup>(2)</sup> is not alycke agreeable to everye hand , no nor that same weapon". With one voice the whole Assembly approved of the Books " and <sup>(3)</sup> ordained the same in to make faith in judgement and outwith, in all time coming as the true and authentic Registers of the Kirk of Scotland , conform to the testimonie subscribed by the Committee". And so after many years of disappearance , the registers entered into the possession of the Church , only to <sup>(4)</sup> pass through even greater vicissitudes and to be destroyed at the last by fire and water.

(1). Burnet 107. cited Peterkin 123. King 54 and 55. December 74. ✓

(2) Gordon 3/7. ✓

(3) Peterkin 22. ✓

(4) see Burnet. 227-8 note: ✓

Answer to the Declaration

The Synod of Dort

Can the Assembly be party & Judge?

And now for the Declinator . After a brief wrangle between the Commissioner and some of the members, the former claiming that as the paper was addressed to himself , it required no answer from the Assembly ; the latter declaring that there was no more pertinent matter before them , two papers were read in response to its challenge , papers<sup>(2)</sup> confessed to be raw and crude or maligned as poor and silly. They were a temporary makeshift ; a full and final statement against the Bishops and their plea was reserved for a later date. The critical question is now beginning to emerge. Could the Assembly rightly be the Bishops' judge?. The Moderator attempted to sum up the declinator in two statements. The Assembly could not be judge first because it was a party to the process and second because the lay elder had a right to vote. As for the first point he declared that the very same question had emerged in the Synod of Dort when the Remonstrants had made a similar protest which protest had been discussed and dismissed by none more ably than the divines of Great Britain. In confirmation of what he said , he read out in Latin the answer of the Synod of Dort, laying himself open to the inevitable jeer from the Commissioner that the passage should have been translated into Scots for the benefit of the lay elders who were to judge of its fitness. The Moderator met the jibe<sup>(3)</sup> with a smile. Balcanquhall who on the Monday had shrunk from accepting Ramsay's challenge to debate the lay elder question and who had been present at the Synod of Dort . accepted the Commissioner's invitation with the leave of the Assembly, to give another interpretation of the decree quoted by Henderson ( When the Assembly is condemned for intolerance , it ought to be accounted for righteousness that in these early proceedings liberty to speak and a patient hearing were granted to men who had no constitutional right to speak and who were strongly opposed to the covenanting party). For a space the Assembly was involved in one of those doctrinal ecclesiastical discussions that were so dear to the men of the period and for which they had been warned to prepare

(1) Declaration 141. ✓

(2) It. and also Bailie 139. Declaration 271. ✓

(3) Declaration 272. ✓

The question put to the assembly

emselves. Whatever the Synod of Dort had or had not said or done, really mattered little to the Assembly. But we may leave the matter with Baillie's dispassionate judgement. "The man (Balcanqual) is quick and eloquent but seems not to be of any profound soliditie.....The reply was vitious in many things; yea in my judgement sound or pertinent in no part of it". Henderson himself "took too much libertie to discourse of poynts fundam:ental and preterfundamental" and was "incircumspect" in some of his statements. David Dalgleish alone spoke to the point and found in the Councils that dealt with the Donatist and the Novatian schisms, precedent enough for the Assembly to deal with the Bishops. The discussion was of little practical value; it merely protracted the suspense. The Synod of Dort might or might not afford a precedent. If it did so much the better, but the Assembly had already determined to be master in its own house.

In the fierce discussion that blazed round the first question as to the right of the Assembly to be both party and judge, the second question as to the lay elder was for the moment lost sight of. The discussion may have seemed to many unreal and wearisome. It may be that the Moderator had no desire to hurry on the inevitable break; it may be that he buoyed himself up with hopes of some kind of compromise; it may be, too, that Hamilton was loath to take the step he had intended to take. He had often vented among us not only his great desire but also his hopes and confidence to sit till matters were brought to some tolerable conclusion. But the crisis could not be postponed indefinitely. With a due sense, doubtless, of the gravity of the question he was about to put, Henderson once again rose to his feet and asked "Is it fit that this Assembly should voice whether they find themselves competent judges to the pretended Bishops, notwithstanding the Declinator and Protestation?" On the answering of that question a bigger issue depended than whether Presbytery or Episcopacy was to be the government of the Kirk of Scotland. The answer and the consequences of the answer would react elsewhere.

(1) Baillie 139. ✓

(2) The Declaration places a discussion of the lay elder question at this point. but in view of Baillie's definite statement, (p 139,) that the question was neglected, it is placed roughly.

(3) Baillie 137-8. ✓



Hamilton insures

The Commissioner accepted the challenge. " I find in myself he said, " great contrarieties of humour this day , first , cause of joy ; next, cause of sorrow: cause of joy in making good what hath been promised by his Majesty; casue of sorrow in that I cannot further make known his Majesty's pious intent: :ion.....therefore before ye proceed further I will renew all my~~h~~ protestations made in name of my Mast r and the Lords of the Clergy here. I will present unto you his Majesty's gracious pleasure , signed with my own hand by his warrant." The Clerk then read the paper , almost the same in substance as its statement in the Proclamation of September. It discharged the Service Book, the Book of Canons, and the Court of High Commiss: :ion ; made the Articles of Perth no longer oblig-tory and called upon the Assembly to take them into consideration with a view to their judgement thereon being laid before the next Parliam: :ent; freed Ministers from taking any oath at their entry to the Ministry except such as were prescribed by Act of Parliament; promised the indicting of Assemblies as often as should be found needful ; granted that the Bishops and their successors should be answerable , according to their demerits , to the Assembly ; and finally to show how far away it was from the King's purpose to change the true religion professed within the realm it called upon all members of the Assembly to subscribe the Covenant of 1580 and 1589.

Time was when such a statement would have been hailed with enthusiasm and it is open to dispute whether the Covenan: :ters would not have better served their country by accepting it. But <sup>certain</sup> appetite<sup>s</sup> grows with what it feeds upon. The Covenanters had gained so much <sup>that</sup> and they wished to gain everything. It was easy to make a case against the satisfactory nature of the concessions. What was wanted was security and certainty , while the royal statement seemed to leave loopholes for the detriment of both. The concessions were simply the King's <sup>(2)</sup> pleasure and granted no power to the Assembly to deal with with mattersw with which its

(1) Peterkin 116-8 & 143-6. ✓

(2). The King's pleasure was unstable ground. Bishops had been strictly bound by Covenants; with the connivance of James. The Covenants had been ignored.

He cannot assent to the Assembly

His Secret Papers

fingers itched to deal and with which it believed it had a right to deal. They were not permitted to meddle with any points of doctrine contained in the Service Book , to examine the rights or wrongs of Episcopacy, of the Perth Articles , or of any part of Discipline to be found in the Book of Canons and Ordination. Worst of all , the indicting of Assemblies still lay with the King's good pleasure and they had a suspicion that such a provision meant no Assemblies at all. Had there been a wish to save Episcopacy , the royal boons might have been received in a spirit of enthusiasm . But for men to whom Episcopacy was L'Infam<sup>e</sup> compromise of any kind was for the moment impossible .They could not afford to delay. Delay might mean the breaking up of the party and the triumph of the Bishops . They were prepared then and there to assert their right to put the Bishops upon trial.

After the royal paper had been read, Hamilton continued gravely and solemnly . He had power to deal with the Bishops, so he said , power to rectify all abuses of that office , so far as Episcopal Government might remain in the Kirk , as government not contrary to the Word of God ; he had power also to limit Episcopacy so that it should not be a source of harm to the Church. Indeed his Commission was more ample than he would express. But when he thought of the lack of respect with which he had been treated. of the prejudices of the members against him, of the intrigues of the Tables , he could give his assent to nothing that might be done in the Assembly. Here he laid upon the table the two secret documents in support of his accusation. Who the author of these papers was, he was not prepared to say but he was certain that they had been sent out; indeed the composition of the Assembly membership showed that the instructions of these papers had only been too well obeyed. His further grievance was the Lay Elder question. , a string upon which he harped at great length according to Burnett. In face of such things there could be but one conclusion ." I can acknowledge nothing to be heir done by the vote of such men ". But in the meantime he desired that the

The Moderate Speaks

The Debate

that the declaration of the King's will should be inserted in the Assembly Books, though this act was not to be interpreted as an acknowledgement of the lawfulness of the Assembly.

The Moderator replied in a "very <sup>(1)</sup>grave, learned and digest speech". He <sup>a</sup>thanked the King for his goodness, for "even the smallest crumbs <sup>(2)</sup> of comfort," that fell from his Majesty's liberality and gave a short exposition of what he took to be the King's relation to the Church. There was nothing due to Kings and Princes in matters ecclesiastical which would be denied the King. It belonged to a Christian King to keep a watch over Kirkmen and Kirk matters, to vindicate religion from contempt and all abuses, to confirm by royal authority the Constitutions of the Kirk and to give them the force of law; to compell <sup>church:</sup> ~~Christ:~~ gians to the performance of their duties and to restrain them from overstepping their place, and last of all to convene Assemblies when the urgent affairs of the Kirk called for them. "Far be it from us", he went on, "to deny anything that is done to those who are in supreme authority or to such as are subordinate unto them or delegated by them ... What is Caesar's or what is ours, let it be given to Caesar but let the God by whom Kings reign, have his own place and prerogative". The tone and matter of this address were equally admirable, calling from his Grace the commendation that Henderson had spoken like a good Christian and a dutiful subject.

There followed a long keen debate in which the laymen had their full share ... a debate in which one by one the points at issue were discussed, the Assembly endeavouring to convince the Commissioner of the necessity for staying or at least of the unwisdom of going; the Commissioner on the other hand holding his ground in dignified fashion and refusing to be moved. Loudon asked for a copy of the Bishops' Declinator in order that Assembly members might consider and censure it and free themselves from all imputations laid to their charge. It would seem that no.

(1) Baillie 141 ✓

(2) Peterkin 142 ✓

Declaration 280 - from which it would seem that Henderson had made larger claims for the King. These are now to be found in the report.



Henderson once again puts the question

Roths deals with Hamilton's objection

full copy was in the hands of members and that nothing was available but the heads of it gathered from the notes of the shorthand writers. The Commissioner whose consent for the production of the copy of the paper had been asked for as a matter of courtesy ( he had insisted that the Declinator had been presented to himself ) gave permission " I will not hinder you to clear yourselves of any imputation laid to your charge but I will not suffer you to go on in censuring the Prelates " , This struck fire from the Moderator " Sir " he <sup>(1)</sup> said " I now ask if this Assembly finds themselves competent judges of the Prelates ". " If they proceed in the censure of the Bishops, persons and office " came the unflinching reply of Hamilton, " I must remove myself Henderson held grimly to his point . " I must yet ask if this Assembly finds themselves competent judges ". Hamilton asked that the question should be deferred . That was impossible, said Henderson " It is the only fit <sup>(2)</sup> time to propone this after the reading of the Declinator ; and I am only a servant to the Assembly and can do nothing at mine own hand". Hamilton commended his behaviour. " I can tax your carriage in nothing you have done , as a wise and discreet gentleman ; but I see now that this Assembly has determined to go on for all that can be said ; therefore I may no longer keep silence but oppose myself unto it " Rothies tried to ease the tension. What were his Grace's exceptions against the Assembly ? One of course was the lay elder but the lay elder was present by the positive law of the Kirk ; if any had their doubts , he and his were ready to debate the matter . The second exception was the interference of the Tables with the election of Commissioners, as was alleged by his Grace when he produced the two papers, an interference which was supposed to "limit " the Assembly Well he for one would deny the genuineness of those papers and as proof of the soundness of his denial, he would lay on the table the papers which had actually been sent out. No others were sent out by the Tables. The papers in question might have been sent out by private persons but with that they

(1) Peterkin 143. ✓

(2) 26. ✓

Hamilton objects to the Ray Uter.

had no concern . If there was anything reprehensible in those papers, let the author of them answer for it .What further<sup>n</sup> objection then had his Grace to the Assembly, an Assembly that never intended to do aught except what was in accordance with the Word of God and the laws of this Church and Kingdom. The refusal of votes to the King's Assessors<sup>(1)</sup> was enough to prove the contrary ,even if nothing else could be adduced , urged Hamilton. The Assessors votes were unconstitutional , retorted Rothes . Even if such votes had been allowed in former days ,they were permitted not by law but by a custom that was corrupt and that needed to be put an end to by the Assembly along with other corruptions. And the Moderator added that the refusal had been made ,not from any wish to disobey the King or to discredit the Noblemen in question , but out of respect to God and his Kirk.

Having received little satisfaction on the subject of the Assessors' votes ,Hamilton next touched upon the thorniest point of all , the lay elder. " I desire " he said " that nothing be put in practise in this Assembly by lay elders , which hath been so long out of practise."<sup>(1)</sup> He suggested a plan by which he thought all the trouble might have been avoided. If the Assembly had first been constituted ( with ministers only ) and then~~the~~ the elders had come in to claim their right to sit and vote in a fair way, ~~then~~ their claim might have been admitted, for~~the~~ the accession of a number of wise and learned laymen , could have been nothing but advantageous to the King's purpose and authority. But the King could never allow that the Assembly should consist of such a great number of ignorant men , utterly incompetent to judge in the matters that were to come before it. Such is the suggestion. It is obviously an afterthought and was never meant to be taken seriously. Nothing could be more futile. It made the King to be the interpreter of the constitution of the Church while it could not~~more~~ ensure that the laymen who were thus to be admitted ,would be<sup>any more</sup> wise and learned than the laymen who had come to the Assembly by way of the elections and who are

London accepts the challenge.

Defence of the Action of the Tables

castigated as incompetent and ignorant .

The taunt as to ignorance ,not yet worn threadbare brought Loudon again to his feet. He was prepared to contend that the office of ruling elder was warranted by the Word of God , the practise of other Kirks , and the laws and practise of their own Kirk and he referred the decision of the question to the only competent authority , the Assembly itself. As for the ignorance of the members , it was true that most of them might not be able like the elders at the Synod of Dort ,to debate in the Latin tongue but the clearest<sup>(1)</sup> light in matters of religion was not always brought forth by men of the greater place and learning. But whether that was so or not , there were present quite enough gentlemen and burgesses even of the lowest sort who educated in school and college were able to discern truth when it was pointed out. The Commissioner could do little more than re-echo Henderson's comment when the Assembly was in the heart of the debate over the Assessors. " It is<sup>(2)</sup> hard for me to make answer for every speech of such a number of learned and understanding men " ( a remark which if it is not ironical gives away his case that the laymen were ignorant ). Balcanquhall's advocacy was invited ; between him and Henderson there was a slight passage at arms .But the discussion was brought to a close by Henderson going straight to the heart of the matter. The question was not whether the office of ruling elder was warranted by the Word of God ,but whether their place and office in the Assembly was in harmony with the constitution of the Church of Scotland " and so no more was spoke<sup>(3)</sup> of it for that could not be denied that such a thing had once been practised in the Church".

" The learned and understanding men " now took up the defence of the Tables. and their action,Roths being the chief speaker . His grace had spoken as if the Tables were a "judicatory " , that is presumably a body arrogating to itself some kind of authoritative position . Roths undertook to show how what was called the Tables , came into being . It was for the peace and quiet of Edinburgh and for the better ordering of business to be laid before the Commissioner . But the word " Table " was a nickname . Those most concerned had never used the expression.

(1) Petition 144 ✓  
 (2) 96 135 ✓  
 (3) 96 144 ✓

(4) Envo 121 . Declaration 276.



Hamilton refused to abandon his position

102

They were careful not to claim for their Committees any official or authoritative standing. If ever they had done so, they were ready to be hanged for the crime. But Hamilton brushed aside that equivocating defence. He had no anger against the name "~~Table~~ "Table", but he was indignant when he saw how all real power had shifted from the Council of the land, to those Committees by whatsoever name they might be called. What was the use, however of speaking before a prejudiced and biassed Assembly. For a moment or two both Rothes and Loudon were at grips with Hamilton over the alleged disloyalty of the Tables, until the latter attempted to close the discussion by the threat of leaving."

"Seeing now my loyalty and faithful discharge of my commission is in hand, I must remove my person; for my estate is not so dear to me as my reputation and fidelity to my Master". Henderson besought him to renew his former patience. Rothes too pressed him hard. Nothing could be less expected than that the Commissioner through whom the Assembly had been obtained and who was also one of its chief members, should prejudice the Assembly either by protestation or desertion. "If your <sup>grace</sup> ~~Grace~~ " he went on to say "hath any just exception against our former proceedings or doth fear that we shall not proceed in such a just manner as becomes us, we are ready to clear ourselves. In both cases we shall repell or give satisfaction for bygones or for time to come. The law of God and the Constitution of this Kirk shall be our rule as it hath been hitherto".

This discussion sounds cold and dull enough now but it was neither cold nor dull on the 28th November 1638. Hamilton, according to a fair reading of his character and in spite of all that his enemies have said about him, shows himself a man of chivalrous feelings and for the moment is on the verge of a breakdown. He now could not <sup>(3)</sup> restrain his tears and there were more wet eyes than his in that earnest and grim Assembly and there were none more tearful than Baillie for then "I apprehended the certaintie inevitable of those tragedies which are now in doeing"

(1) Debate in 145.

(2) Ib.

(3) Debate in 141.

argyle shows his hand

He had laboured , so ran the Commissioner's moving farewell , for a Free Assembly but things had been done which made it a most unfree Assembly. " Glad would I be to have it otherwise as there is nothing which can be proponed , keeping myself within the bounds of my Commission, and fidelity to my Master but I shall do it , for I desire to serve God , my King and my Country . But a weighty burden is laid on the back of a silly young man , overcharged with a toilsome business and unable to bring it to such end; <sup>God</sup> ~~as~~ as I would ". Very well, urged Rothes passionately, we hold ourselves free from the guilt of the evils which are bound to follow your Grace's rising . The Bishops were behind this decision to leave the Assembly; upon their shoulders be the guilt. Henderson spoke in similar terms and Hamilton made a qualified admission that there was something in the charge. " I grant that the cause is by the urging of a Declinator and a Protestation against lay elders " , but the Bishops had nothing to do with his decision. David Dalgleish keen to seize a debating point, seized one here. It was clear that the Bishops desired to be freed from the imputations charged against them in the Libel, but if his Grace left the Assembly , how could they be cleared. It would look as if they were afraid to meet the challenge. No, said the Commissioner. The Bishops were perfectly prepared to go before an impartial Judge , but no man would submit himself to a judge who was also a party to the case. Loudon with rough and discourteous humour declared that if the Bishops declined a National Assembly , there was no other competent court for them but the King of Heaven. As they had wronged Church , King and Country , they must be censured for it " I stand " said the Marquis " to the King's preogative as Supreme Judge over all causes civil and ecclesiastical to whom I think they may appeal ". This <sup>was</sup> ~~is~~ not the place for their cause to be discussed ".

And now for the second time in this Assembly the voice of Argyle is heard. He asks for a hearing as he was only an Assessor

(1) Peterkin 146. ✓

Hamilton prepares to leave

The Commissioner desired all to hear him. His voice was low and there must have been much straining of ears to catch what the master of so many clansmen had to say, at such a critical moment. "I was called" he said "by his Majesty's command to this Assembly, but now being come I desire to clear myself, that my part has been fair in everything that I know, neither as flatterer of the King's Grace nor for mine own ends. I have not striven to blow the bellows but studied to keep matters in as soft a temper as I could. And now I desire to make it known to you, that I take you all for a lawfull Assembly and honest countrymen". In the sentence that followed, he made it perfectly plain what he meant by "all". The Assembly consisted of members, civil and ecclesiastic. Too much importance cannot be given to this deliberate pronouncement. It must have been unexpected or else Hamilton would not have been so ready in beseeching for him a hearing from the Assembly. In the report of Argyle's speech as we have it there is no dubiety though Baillie found him ambiguous and hard to understand. Evidently he had not great gift of exposition. There was one point, however which he wished to be cleared up. What was the relation of the National Covenant to the King's Covenant which members of Council had subscribed? Loudon agreed that there was need for an answer being given to this question. "Seeing two Confessions are subscribed, of divers constructions, we desire that the Confession may be cleared that all his Majesty's subjects may be jointly tied to God and the King". "I had warrant to give order for that and much more" answered the Commissioner "but also I may not now stay". Rothes added his word. There were three interpretations of the Confession in vogue; it was necessary for the Assembly to clear the matter. But Hamilton was adamant. "I cannot stay now" he said and ordered the Moderator to close the Assembly. The Larger Declaration states that Henderson was willing to do so but was restrained by some of

(1) Declaration 286.

(2) Baillie 143.

(3) Vg

(1) The C. in interpret. him which admits all the advances of the Kirk introduced and to be introduced

(2) The interpretation which permitted nothing but what was sanctioned in 1580

(3) A third "with a mere argument of all novations introduced since that time" - Peterkin 146.

There does not seem much difference between (2) & (3)

(4) Declaration. 287.



The Assembly Protects against the Deserter

Hamilton Leaves

the noblemen . It is unlikely that Henderson wavered at this moment , though he might quite well have wavered , in view of the gravity of the situation . But one thing is perfectly clear from any study of the proceedings of the Assembly and that is the preparedness with which the Assembly leaders faced every turn of events, and Henderson who was the clearest-headed of them all and who had seen clearly enough the course events were taking, had his mind made up as to what was to be done , even if that had not already been settled , as is likely, in Committee. Forewarned , he was forearmed.

That he was prepared is seen from Rothes action." Because your Grace's departure was surmised this morning , therefore it was found necessary by this Assembly that a protestation should be made against your Grace . But we are most unwilling to present it and would rather entreat your Grace to propound your scruples and exceptions against this Assembly , that they may be cleared. If your Grace will not, but will depart, we must protest that your Grace has departed without a just reason " Hamilton ignored him " I make a declaration " were his last words , " that nothing here done in this Assembly shall be of any force to bind his Majesty's subjects and I in his Majesty's name discharge this Court to sit any longer " While Hamilton with his Council, Argyle alone excepted , were preparing to depart , the protestation was put into the Clerk's hands and read but all to no purpose. The Commissioner took the irrevocable step and left the Assembly. To the high tragedy of the proceedings was added a touch of low comedy. He reached the Church door only to find it so fast closed that it had to be broken open by his suite.

It is a pity that none of the participants in this memorable Session have left on record what the thoughts and feelings of the members were when the Commissioner left the Cathedral with all his train , save only Argyle , where for the last week had been all the emblems of royal authority . But there is left us

(1) Given 3/1. 1829. ✓

Henderson puts the motion - Will the Assembly continue  
its sitting?

the most matter of fact account of what followed. One thing is clear and that is, that the leaders had determined not to allow the Assembly to dissolve. For the moment a heavy responsibility rested on Henderson's shoulders. It was for him to take the lead. To continue the Assembly in Hamilton's absence and against his injunction, was an act liable to be interpreted as treason and rebellion. To close the Assembly was to lose all the ground they had gained during the past months and to give the lie to all that they had claimed as the right of the Church and the Assembly. The building they had so laboriously constructed would collapse like any house of cards. The Prerogative of Christ and the Liberty of the Christian Church over which the royal prerogative had no power, would be stultified. All faces were turned to Henderson. It was for him to decide and seldom or never had Moderator been placed in such a perilous seat. It was a more responsible and dangerous position that he occupied, than that occupied by Forbes of Alford in the memorable Aberdeen Assembly of 1605 when in something like defiance of the King's command, it refused to adjourn until the date of the ensuing Assembly had been fixed. Henderson accepted the responsibility with the calm bearing of a man who was sure of himself. By this time daylight was fading.

(1) Candles were brought in. There was much to be done before the Session could close. "All that are here", he said, "know the reasons of the meeting of this Assembly; and albeit we have acknowledged the power of Christ and Kings for convening of Assemblies and their power in Assemblies, yet they may not derogate from Christ's right, for He hath given divine warrant to convocate Assemblies, whether Magistrates consent or not. Therefore seeing we perceive men to be so zealous of their Master's commands (this was in compliment to the Marquis), have we not also good reason to be zealous towards our Lord, and to maintain the liberties and privileges of this Kingdom. Ye all know that the work in hand has had many difficulties and God has borne us through them all to this day; therefore it becometh us not to be

(1) Gordon 3/30. ✓

(2) Aberdeen 147. ✓

Lesson 4: Writing

discouraged when we seem to be deprived of human authority".

That in a nutshell is the claim of Henderson and his party

In response to the Moderators request, one or two of the  
leading ministers spoke, David Dickson's speech in particular being  
full of interest. He traced the great work from its small beginnings;  
ings; they had been led on, step by step, in the most marvellous  
fashion by the divine hand. "For if God had not directed us and  
his hand had not guided us, we had long since been confounded in  
our wits, and could have done nothing for the compassing of this  
great work, more nor young children..... Seeing the Lord has led us  
in a safe way to this day, he is now to crave a solemn testimony  
of the Kirk of Scotland and to ask of every man who is his God."  
They could set the Commissioner's loyalty on the minutest point of  
his commission, as a type of their own loyalty to God. Now what  
was the position. If they did not go on, then they were open to  
the accusation of being scandalous and turbulent persons, guilty  
of the charges brought against them. The only way, indeed, in  
which they could clear themselves in the eyes of the Christian  
world was by going on." Let us go on, putting over the matter  
upon our Lord and Master and he shall answer for us at the Court  
of Heaven and justify us in the eyes of all that are wise".  
Others spoke in the same strain. Men who held views so high, as  
to their task and the divine resources at their command, were  
not likely to waver.

A little incident showed how the days work was likely to  
be viewed by the people of Scotland. The heir to the old Earldom  
of Mar, Lord Erskine, craved audience and confessed with tears  
that he had against his better judgement for long refused to sub:  
scribe to the Covenant, but that now he was willing to subscribe  
with heart and with hand, if the Assembly would accept him. He was  
received with open arms, as a token of the fact that while some  
had gone, others were raised up to fill the vacant places. The  
allegation of the royal party that this was all a carefully pre:  
pared scheme to glorify the Covenant is ill natured but

① Peterkin 147. ✓

②. The incident must have followed, not preceded the decision of the Assembly. To  
confirm its sitting. But the order of the "Proceedings" is followed  
Gordon 3/31 - He seems to have repeated the steps. Peterkin 147.

③. He denied the tears -

④. L. Declaration 287. ✓





plausible . It is curious that Erskine should have appeared at a moment so opportune and one is tempted to suspect that the Moderator's Committee had more to do with the incident than appears on the surface. On the other hand Johnston ,who ,if any man,knew what was going on behind the scenes & in the privacy of his Diary <sup>(1)</sup> seems to indicate that the action was spontaneous on Erskine's part and in this he is supported by Baillie <sup>(2)</sup> " While we were in some piece of perplexitie we were singularlie comforted , that in the very instant of the Marquis' departure ,a very noble youth of great expectation ,my Lord Erskine , did profess with tears his great greiff that he had withholden his hand from the Covenant and entreated humbly that we would now admitt him to our Covenant and Society . We all embraced him gladly and admired the timeousness of God's comforts and mercies towards us ". But Baillie was not always cognisant of the workings of the central Junta.

And now the Assembly sufficiently encouraged by accession of strength and by the exhortations of its leading men... curiously enough the elders are silent at this stage.....faced the question of its procedure. The Moderator put the question , " Do you adhere unto the protestation against the Commissioner's departure and will you remain to the end till all things are concluded or not ? "It was time to put the question if all, <sup>(3)</sup> waverers and stalwarts alike, were to be committed to the audacious policy of going on. The response was almost unanimous and showed that the intrigues of the past weeks ,had borne a rich harvest ." Had not the <sup>(3)</sup> most resolute noblemen and barons of the Kingdom been there as Commissioners , or had not the ministers been very well wailed for the purpose ,verie readilie at this poynt of joy , we might have played the part of the Assembly of Aberdeen or at least such a sensible division might have arisen among us as had marred all the fruits of our meeting ". There were only a few dissentients six or seven, mostly men of Angus who had never been whole hearted for the Covenant . The Assembly had now decided that it was not dis:

- ①. Diary. 402. ✓
- ② Baillie 144. ✓
- ③ H. ✓

The Assembly decides that who a competent Judge  
of the Bishop

The dissenters

charged and that it was ready to deal with its work. " Does this Assembly find itself lawfull and competent judge of the pretended Archbishops and Bishops of this Kingdom and the complaints given in against them and their adherents , notwithstanding of their Declinator and Protestation ", asked the Moderator . There could be only one answer in that purged Assembly. All with the exception of four . ( or without a contrary voice according to others ) voted in the affirmative and so came to an end the memorable seventh Session of the Assembly of 1638.

An interesting though subsidiary question is how many members forsook the Assembly after the Commissioner's departure and after the decision to refuse to be discharged. The numbers given in the different accounts vary but it is possible to name most if not all of those who to their credit stood to their principles in face of the intimidation open or concealed of an Assembly so unanimous and so resolute. When we compare the revised Roll with the number of Commissions given in , we can see which Burghs and Presbyteries chose to be on the King's side. They are situated north of the Tay. We have the Presbyteries of Arbroath, Ellon, Fordyce, and Strathbogie with the towns of Aberdeen Arbroath and Elgin. Several Presbyteries and Burghs sent no representatives at all ; but they have no claim to share in the glory of fighting a forlorn hope. A list of names compiled from all sources , gives the following , though there are one or two inaccuracies to which reference will be made when each comes up.

(1). Peebles . The Ministers and elder of Peebles are said to have left. But their <sup>a</sup> names are still on the revised Roll. The elder for the town of Peebles is omitted. We may count upon him.

(2). St Andrew's University .. Dr Barron left before the decisive vote on the ground of illness , feigned or real.

(2) Glasgow University Dr Strang's <sup>(3)</sup> commission was never approved and so he was never a member of the Assembly.

(2) Brechin Presbytery . A<sup>(4)</sup> the commissions for Brechin were never

sustained , Lord Carnegie does not count. As a matter of

- (1) Baillie (144) mentions no number; the Proceedings give 4 for. Peterkin 147. 1  
 (2) L. Declaration 288. 310. 1  
 (3) Ante. p. 81. yet Baillie 136 names him as a member of the Committee on Bills.  
 (4) Ante 84.



fact the Brechin case was not settled till after the 28th

But Carnegie never was a member.

(1)

Presbytery of Arbroath.....Patrick MacGill...Arbroath

Patrick Lyon.....Guthrie.

Sir John Carnegie.

(2)

City of Aberdeen

The Constable of Aberdeen.

(3)

Presbytery of Ellon

Thomas Thores of Udney

John Kennedy Esq. of Kinmuck.

(1)

Presbytery of Strathbogie

John Annand ...Kinore (now Huntly).

Joseph Brodie .. Keith.

(1)

Presbytery of Fordyce..... John Watson.....Ordiquhill.

(4)

Elgin Town

..... The Elder for Elgin Town.

(5).

Glasgow .....Patrick Bell .....but his name still

remains upon the Roll.

(6)

Thomas Mackenzie of the Chanonry and Andrew Logie of Rayne are also given amongst the number, but though it is quite clear that they would have left with the Commissioner, their commissions were never sustained. To sum up then, we have six ministers, MacGill, Lyon, Thores, Brodie, Annand, and Watson, with four elders, Kennedy, the Constable of Aberdeen, the elder for Elgin and the elder from Peebles, who defied the Assembly majority and left rather than disregard the command of the King's Commissioner. To them as well as to Henderson, the tribute of praise for their courage must be given. More would have followed but caught in the full tide, they were swept along with the rest of the Assembly. ⊗

(7)

The little glimpse given us by Gordon of what went on behind the scenes, is interesting, even if it is trivial. When the Assembly rose, the two intrepid ministers from Strathbogie Mr John Annand, and Mr Joseph Brodie interviewed the Commissioner and asked his advice for they were much exercised by the dilemma in which they were placed. Were they to obey the King or concur with the Assembly? Hamilton advised them to stay with the

(1) L. Declaration 288 and Gordon 3/32 - note.

(2) Spalding - History of the Troubles 1/81.

(3) Gordon 3/32 note and Spalding 1/81.

(4) Peterkin 137 - where Commission 100 is given in from Elgin Town.

(5) Stevenson 3/0.

(6) Anti. 81 - 82.

(7) Gordon 3/33.

⊗ of the six names given by Erub. only Sir John Carnegie is valid.



fact the Brechin case was not settled till after the deci  
vote .Had Carnegie's commission ever been sustained ,he  
never have remained in the Assembly after the 28th.

~~Presbytery~~ of Arbroath

To ameltm messrs Board

Assembly , strange advice from his mouth unless he was apprehensive they would suffer harm . How can we do that , was the answer , when your Grace has commanded them to rise under pain of treason . Hamilton admitted the force of their argument, commended their loyalty , noted their names for report to the King and offered them assistance for the return journey , assistance which they declined though grateful for the promise, and so returned to their homes , where the Presbytery approved their action.

We have no record of how the Assembly leaders spent the evening of the 28th. There must have been much grave consultation to say the least of it, much exultation amongst the Die Hards, serious foreboding on the part of Baillie, great exercising of his mind by Henderson , a fuller outburst of prayer by Johnstone at my Lady Loudon's". <sup>(1)</sup> "The Spirit of God's presence in prayer , was never so manifest till that night", he tells us. With the Commissioner there was bustle and there was excitement. He summoned his Council. <sup>(2)</sup> Argyle was absent, a sinister omen. Argyle even yet does not seem to have been sure of himself , for next day he informed Traquair <sup>(3)</sup> that he meant to stay some time still in Glasgow , during which he would haunt the Assembly and be careful to make them go in such a way as shall be justifiable ; on the other hand Hamilton , that same day , found Argyle resolved to declare himself openly for the Covenanters , which he proceeded to do , more like a ring leader than a follower. The Council came to two decisions, They resolved to send a letter to the King , thanking him for his gracious promises and commending Hamilton's industry , judgement and patience , declaring that he was in no way responsible for the failure and offering their lives and possessions in defence of the royal authority. Their second business was to draw up a Proclamation for the dissolution of the Assembly. But the meeting of Council was not so harmonious <sup>(2)</sup> as the letter would suggest. It was only with some arte that

① Diary 402. ✓

②. Hamilton Papers. Letter 9 December 1746. 63-4. ✓

③ Quoted Peterkin 122 - Hamilton's State Papers 8/127. ✓

## Proclamation and Protestation

that he was able to procure the letter while he was afraid to be met with a refusal if he asked them to sign the proclamation. Next day indeed he contrived to find signatures <sup>(1)</sup> "yett not in the ordinarie way . Donne it is and since I was the procurer of itt , I uill say no more thereof , but thatt I am glad they ar so nou engaged ". Such a confession gives the impression that by this time his heart was less in the business than ever. The Proclamation was served at the C ross of Glasgow , only to be met <sup>(2)</sup> with a seditious protestation ". Johnston the deviser of manifestoes, Erskine fiery with all the zeal of a new convert , and other young gentlemen and noblemen had a protestation ready though in incomplete form. Perhaps Argyle's absence from the Council , had deprived them of a channel through which full details of the proceedings of the Council might be obtained..Any: how, the printed Protestation that is extant, is not the document that was read at the Market <sup>(2)</sup> CCross.

Was Hamilton's departure from the Assembly a wise one?. If the King really wished for an excuse to take up arms against a recalcitrant and disobedient people, here indeed was an excuse, and Hamilton may be commended for having skilfully achieved what was purposed by the King. It is clear that he himself forced on the crisis which made his departure unavoidable. Perhaps the break was bound to come sooner or later, but Hamilton's insistence upon the reading of the Bishops' refusal to recognise the Assembly , brought to the front and emphasised a question that flung everything into the melting pot. There were many in the Assembly, so Baillie hints, <sup>(3)</sup> who would have been glad to stand by him had he pleaded for delay. With delay , matters might have been dealt with on which a measure of agreement was possible. When Episcopacy came to be dealt with ( it could not have been shelved for long), the presence of Hamilton might quite well have led to far more temperate resolutions than were indeed come to. One of the great misfortunes caused by his absence was the free range given to the extreme men .With the doom for treason

(1) *Hamilton Papers* - 64. ✓

(2) *Gordon* 3/39. ✓

(3) *Baillie* 142. ✓



hanging over them like a keen edged sword , they could have no thoughts of compromise or any desire for temperate action.

Baillie had no compunctions about the fall of the Bishops .His almost indecent glee at the thought "that no<sup>(1)</sup> kind of crime which " cane be gotten proven of a Bishop " would be concealed shows that for them he had no mercy. But he did have some com: punctions about the ruin of Episcopacy and he is sure than Hamilton's presence in the Assembly would have made certain that it would have been removed from the Kirk in Scotland, in a fashion less irritating to the King<sup>(2)</sup>. But it is futile to speculate on what might have been. The statesman has to deal with the events of the present and he gets no second chance if his first effort fails . Hamilton did his best under difficult circumstances ; under impossible conditions if current gossip is well founded that part at l ast of his sympathies were with the Covenanters , as they might quite well have been with a *mother* enthusiastic for the covenant. He acted for the best and his grief<sup>f</sup> at the miscarriage of all his efforts is pathetic and touching. " For days he could hardly take his food and broke down in health ". He was a very gallant gentleman , despite Clarendon's<sup>(4)</sup> strictures ; while later on he was to give his life for the royal cause , even in this difficult business he so carried himself as King's Commissioner as to win the esteem of his opponents. " If the King<sup>(5)</sup> have many such men ", was the comm ent, " he is a well served Prince."

(1) B. M. 105. ✓

(2) D. 142. ✓

(3) H. 143. ✓

(4) Clarendon.

(5) Baillie

Book II -

1839 1/247 et 209. ✓

174. ✓



The censured members absolved

# V. THE SECOND PHASE.....THE PULLING DOWN OF THE WALLS OF JERICHO

## (i) Preliminary

With the departure of the Commissioner we come to that part of the proceedings in which was settled to the satisfaction of its members, the religious and ecclesiastical difficulties which had caused so great ferment in the land. On the morning of Thursday the 29th, the Assembly met under a cloud. The Commissioner's chair was empty, that in itself being a symbol of the gravity of the situation. By ten o'clock<sup>(1)</sup> the Heralds had read at the Cross a Proclamation which discharged the Commissioners from further attendance under the pain of treason ; pilloried as null and void anything that might be done in the Assembly , released the lieges from all obedience to all its Acts and ordered its members to repair to their own homes . But the Proclamation called out , as we have seen , the inevitable protestation and was disregarded by all except the handful of the faithful. There were few blanks in the ranks of the members when the Assembly met . The Moderator opened with words of wise warning. Slurs had already been cast upon the tumultuous carriage of the Assembly, he said , but he urged them so to act that no such occasion for reproach should be given henceforth. " Keep yourselves quiet, because<sup>(2)</sup> ye ought to have your judgements exercised about the matter in hand and elevating your minds to God to send down light , and when he sends down a good motion , ye may express it with gravity' It was easy for the admonition to quietness to be kept obeyed. There was no division now , no cause of disharmony and the " huddling confusion "<sup>(3)</sup> of the Larger Declaration is simply a grudging tribute to the efficiency of the Committee and to the unanimity of opinion.

The Commissioner in his closing<sup>g</sup> speech and the Bishops in their Declinator , had taken exception to certain members of the Assembly who were alleged to be under the censure of the Church or at one time had been banished for giving utterance to anti-monarchical sentiments , or whose ordination was invalid. At the beginning the Commissioner had reserved his right to question any or all of the elections ; he was within his rights to object to anyone at anytime but he certainly gained nothing by refusing

(1). Large Declaration 290. ✓ (2) Peterkin 147. ✓ (3). Declaration 17. ✓

Argyle introduced by the Assembly

to urge his objections at the time when the commissions were being examined. The explanations of the chief persons concerned were heard. The explanations are interesting enough though of no great relevance to the work of the Assembly. On only two need we touch, two who had been under the censure of the Court of High Commission, Dickson of Irvine, the "Archbishop" and Rutherford of Anwoth both men of distinction. Full satisfaction was given by all against whom accusations had been levelled. It may be said that the Assembly was easily satisfied, all the more easily because most of the accused had incurred odium in the days of the Bishops for their adherence to the Presbyterian tradition. Bailie,<sup>(1)</sup> indeed wishes that some of them had never been elected members, so that the mouths of accusers might have been stopped, but the excellent gifts of them all had commended them to the electors. Were these men lawful members? No objection was raised against their presence in the Assembly. "Since there is nothing to say, let us go on", said Henderson. The Assembly, so far as the votes of its members could make it, now stood above all reproach.

We noticed Argyle's absence from the Council; it is time to notice his presence in the Assembly. That presence was comforting not only on account of his pronouncement the previous day; but because, from his well known friendship with the King and with Hamilton,<sup>(2)</sup> it was believed that he was present with their sanction to keep the Assembly from proceeding to extreme measures. That was an optimistic reading of the situation. Argyle by his action had angered the Commissioner and had turned the King's suspicions of him into certainty, to the hazard of his head. Laud has a characteristic sneer at him as he has at the Moderator. Henderson was a Moderator<sup>(3)</sup> without moderation and Argyle "ever looked askant upon the King's business". But if in Whitehall he was reckoned to have begun to wind the pirn, as his shrewd father foretold, in Glasgow he was welcomed with open arms and allowed to make

(1). Bailie 146. ✓

(2). Ib. 145. ✓

(3). Letter quoted by Henderson. 123.

Confession of Arminianism

The Confession

Conclusion

contributions to the Assembly discussions ....a privilege which does not square well with the sharpness with which more than once the royalist assessors were handled. The Moderator in the name of the Assembly desired him to stay and be a witness of their proceedings, even although he was not a Commissioner. Argyle confessed that he needed little inducement to stay; his interest in religion by itself was enough to persuade him. To the end he carried himself "as their chief director and countenancer and indeed like our Commissioner". Such a criticism is not unfair.

The presence of Argyle raised the question of the Confessions to which reference had been made just before Hamilton left the Assembly. There were two Covenants in the field, the King's and that signed in the early part of the year by the nation as a whole. Each Covenant was based upon the Confession of 1580. What did that Confession involve? What was abjured in 1580 in doctrine discipline worship and Government? How far did it admit or exclude the "posterior novations" If the King's interpretation were accepted, then everything might be admitted; but according to the extreme Covenanters nothing could be admitted. Where did the truth lie? It was for the Assembly to give the final authoritative interpretation. but that interpretation could not be given until the Assembly had fuller knowledge. A Committee was appointed to "advise about things and make them riper to the Assembly". Baillie<sup>(3)</sup> disparages the clerical element on that Committee, mainly it would seem for the reason that he himself had not been appointed to serve upon it; he wished to serve for the interpretation of the Confession lay very near his heart. With firebrands from the north like Lindsay of Belhelvie and Cant of Pitsligo upon the Committee, it was not expected that the final decision would be displeasing to the out and out Presbyterians and puritains.

Another Committee was appointed to deal with the Service Book, the Book of Canons, and the Court of High Commission, the Moderator who never lost a chance to say a word in season, declaring that such an examination would show the world that their supplications were just, and would leave to

(1) *Large Declaration* 316 ✓ See also *Hamilton Papers* 64.  
 (2) *Peterkin*. 151 ✓ (3) *Baillie*. 146. ✓ (4) *Peterkin* 152. ✓



The Complaint against the Bishops

posterity a monument of the wickedness of the Books, which does not seem to be a very impartial comment from the mouth of the Moderator of what was meant to be a fair and impartial Assembly. Baillie found himself a member of this Committee and he tells how at its first meeting there was nothing but disorder arising from the number of men and of speeches. Stevenson interprets this to mean that the Committee met in public and that their discussions were interrupted by spectators. But there is no need to invoke the spectator. The ten members all ministers were men with much to say and eager to say much on a topic that had been discussed threadbare; with so many eager and willing to speak and, unable to raise their voices much in the Assembly, all the more eager to speak in Committee, business was impossible. They formed themselves into two sub-committees but even there Baillie found the atmosphere unstimulating. He preferred to work by himself and so student like he spent his evening in the revision of some of his former writings on the subject. From these writings he culled an abstract which was ultimately adopted as the Committee's report and read out later to the liking of the Assembly.

And now for the Bishops. "Moderator", said Lord Montgomery who had been one of the principal agitators at the back of the notorious Complaint, "We desire our Summons and Claims against the pretended Archbishops and Bishops to be read". The Moderator agreed that the time was fitting. They had discussed every objection that had been made against the Assembly itself; now let them hear what could be said against the Bishops. It was decided to take one of the Libels as a Test case. Galloway's was chosen whether by chance or deliberately it is hard to say. Thomas Sydserf was one of the most unpopular of an unpopular company, the wearer of a gold crucifix under his coat which had won for him rough handling from the women of Edinburgh in the October riots of 1637, no friend of Argyle's with whom he had come to loggerheads. The

(1) Baillie 147. ✓

(2) Stevenson - 318.

(3) Peterkin 151

(4) Baillie 37.

(5) Baillie 16. ✓

Accessions of Strength

Libel was long and tedious<sup>128, 118. (a)</sup>, "containing fifteen or sixteen sheets of paper", including the general charges against the Bishops as a body, and the particular charges against himself. He was summoned to appear by the officer of the ASsembly. Naturally there was no answer. The Libel was given into the charge of a Committee, composed of one minister for each diocese assisted by a number of elders, Johnston among them. The Committee went slowly to work. It was one thing to bring charges against the Prelates; it was quite another thing to find substantial grounds upon which to base these charges. The <sup>(a)</sup>proofs and the evidence were not to hand, a fact which when you take into account that the scandal mongers had been busy since the end of August, clearly implies that the Bishops were much less black than their enemies<sup>e</sup> wished to paint them.

The leaders of the Assembly had no reason to be dissatisfied with the results of their first session after the departure of the Commissioner. The work was well in hand. Members had refused to take the charge of treason seriously. Besides, that day and the next there were accessions of strength. Seven other members of the Council besides Argyle had refused to sign the Act authorising the Proclamation for the Dissolution. They now took their stand with the Assembly, Mar, Wigton, Kinghorn and Galloway among the number. Hamilton reckoned their defection not a loss but a gain. Open enemies are better than treacherous friends. But the Assembly welcomed them gladly though Henderson had a reservation to make, of a kind characteristically Scottish. "Though we had not <sup>(4)</sup>a nobleman to assist us", he said, "our cause were not the worse or the weaker; but there is occasion given us to bless God that they are coming in daily in throngs".

There was little business of moment at the ninth Session on Friday the 30th. None of the Committees recently appointed were in a position to give in, a full and final report. "We dare not now give our judgement fully", said Loudon a member of the Committee on the Confession, "but we will go on in

(a) Peter in 151 ✓

(2) Baillie 147. ✓

(3) Hamilton Papers 64.

(4) Peterkin 152 ✓

Purging the Herd

consideration to ~~satisfy~~<sup>119</sup> you all and to crave your patience.  
It must have long time ; for matters of so great importance  
cannot be done but accurately for every man's satisfaction"  
This was acknowledged but they were reminded that their  
business was not to come to decisions but to prepare matter  
for the Assembly's consideration. Mr Andrew Ramsay , the hero  
of the stool, craved further time also for the Committee on  
the Service Books , but the tone of his ejaculation served to  
free any members of the Assembly from the suspicion that the  
Committee was likely to go astray ." It is a<sup>(1)</sup> toilsome task"  
he said , " a p<sup>r</sup>-pal Service Book , anti<sup>1</sup> christian Constitut:  
ions and a superstitious Book of Ordinations , and will take  
us eight days at least ". Then the calm judicial spirit in  
which it is fitting th t the Committee of a Court should pre:  
pare matter to be adjudged by that Court, nothing could be more  
unlike the temper in which Ramsay was approaching his work.  
There does seem some ground for the charge that these Committe<sup>s</sup>  
were " the most rigidest they could pick ou<sup>(2)</sup> of the whole  
pack ". As for the Complaint against th e Bishops, the Assembly  
agreed that they could not have too much evidence. Th e  
Moderator also touched upon the six Assemblies that had  
wrought the Church " meikle woe " and gave some racy infor:  
mation as to the high handed action of the B<sup>i</sup>shops in the  
Assembly of 1616 , in which he accuseed the B<sup>i</sup>shop of St Andrews  
of changing " the Acts with his awne hand on the margine ".  
Others corroborated . But these Assemblies were far too big  
game to be dealt with on the moment and another Committee was  
appointed to consider them.

Saturday was also a quiet day . Certain ministers had  
been tried before their Presbyteries , found guilty of the  
charges libelled and remitted to the Higher Court for sen:  
tence. This was all done to carry out the policy of purging  
the Kirk . The Moderator seized the occasion to deliver an  
address upon the A<sup>u</sup>thority of the Kirk. The trumpet spoke with

(1) Peterkin 153. ✓

(2) Declaration 317. ✓

(3) Peterkin 153. ✓





no uncertain voice. " So it is necessary that we now assembled in Christ's name , so solemnly and so well warranted , go on with authority for though we be weak and unworthy instruments we must consider what keys are put in our hands ..... I may give you assurance in the name of the Lord that if we go on as we are warranted by him , without partiality and respect to men but having respect to the honour of God and the well fare of the Kirk .....if we go on with sentence and excommunicate , that which we do on earth he shall ratify in heaven and we shall be all witnesses that he shall ratify the same." The most part<sup>121</sup> are often those who boast of their impartiality . Before such an Assembly , the accused ministers ,if they had Episcopalian leanings , could not have the shadow of a chance . The temper of Henderson was merciless. Three cases were brought forward for trial; Archdeacon Gladstones of St. Andrew's of whom Baillie speaks in terms of gross exaggeration as a man whom pagan Rome would never have suffered to be priest even to Bacchus; Professor Panter also of St Andrew's ,author of a Latin poem in hexameters ,dedicated to the King and with Wallace as its theme, no mean poet, a man of outstanding ability who knew many things but had little ~~know~~ solid knowledge of , the subject of his own chair of Divinity , ( not the first ~~time~~ <sup>will it be</sup> the last time when such a criticism has been passed upon the occupants of other chairs <sup>even</sup> ~~even~~ than that of Divinity , most important of all David M<sup>c</sup>Connell ,Dean of Edinburgh, an out and out King and Bishop's man , against whom a dead set had been made in his own Presbytery as early as October and who had the courage to head the list of signatories to the Humble Remonstrance of the Ministers of the Church of Scotland . Mitchell's faults were erroneous doctrine ,Arminianism and sundry points of Popery , in short he was a man unfit to be kept in the Kirk unless he repented to some purpose . So he is described but the real head and front of his offending was his scornful treatment of the Presbytery whom he would dignify with no other title than the strictly accurate one of the Brethren of the Exercise. <sup>and his declining the assembly.</sup> That and his friendship with the most dangerous

(1) *Peterkin 155. v* (2) *15 October 155. v*

(3) *Baillie 148. v*

Argyle on Auctioneering

Bishop of them all , the Bishop of Ross , with whom during the early days of the Assembly he had sojourned in Hamilton , were enough to condemn any man . In vain his colleague Henry Rollock pleaded for him that he was a man of good part." Bellarmine had good parts " growled Rothes ,<sup>(1)</sup> " but he would be an evil minister of the Church of Scotland ". We get some ~~led~~<sup>light</sup> shed upon the point of view held by this Assembly when we find upright and able men like ~~punter~~<sup>McTear</sup> and M<sup>r</sup>~~McTear~~<sup>McTear</sup> , regarded in as odious a light as a reprobate like Gladstones. All three were ultimately deposed. But as Arminianism had been one of the grounds for proceeding against them, it was thought desirable , ere sentence was passed, to hold a full dress debate in which the errors of that heresy should be exposed. To his great annoyance Baillie<sup>(2)</sup> found himself appointed to open the debate along with Dickson .He would gladly have been spared that honour; the subject was a deep and intricate one , his hands were full with other tasks , but there was no remedy for the Assembly was a stern taskmaster.

When the Assembly resumed its sittings on the Monday,Argyle intervened. A sermon had been preached either that morning or the day before ,by a young man of great promise, George Gillespie who was soon to take his place amongst the foremost. From the text<sup>(3)</sup> ~~The~~ King's heart is in the hand of the Lord , he had spoken injudiciously about the royal power and authority . Argyle felt himself called upon to interfere and out of affection for the cause protested against such meddling with dangerous topics and warned the members to leave the King's authority alone ,if they wished to save their Assembly from discredit. The Moderator seconded his intervention in a speech of some length<sup>(4)</sup> which ended with the hope that the Spirit of Wisdom and Piety which teaches all loyalty and subjection to superior powers " shall so direct us as there shall be no cause to censure any man justly ". What was the reason for Argyle's remonstrance ? . Reverence for the King's authority or a keen desire to save the Assembly from discredit? Who can be certain of what passed in that dark and tortuous mind?.

- ① Peterkin 155. Sermon 9. ✓
- ② Baillie 149. ✓
- ③. Pruebe 21/6. ✓
- ④ Peterkin 156 - Sermon 10. ✓

Arminianism

Little purpose would be served by disturbing the dust of the erudite debate on Arminianism. Dickson was the opener. To him theological errors were as detestable as bodily vice. The preaching of error<sup>(1)</sup> was like the selling of poisoned bread. that slays the eater of it. Dickson was reputed to be a master of his subject and his exposition found many admirers. As it was extempore, however, there could be no copy of it and so the man's labour was lost and vanished with the speech. So Baillie regrets<sup>(2)</sup>. But as the shorthand writers or their seventeenth equivalent<sup>^</sup>s have saved us six good columns of eighty printed lines each, posterity has no need to share in Baillie's regret. Ramsay, the "little cock" of an earlier meeting was desired to add his contribution to the discussion which he did at some length and Henderson thanked God that before the error could spread very far, it had been nipped in the bud, which seems perilously near to being a mixed metaphor. The speeches make tedious reading in our days of less rigid doctrinal rectitude. But the discussion, from the Assembly's point of view was not a vain one. The Kirk had two theological parties within it, the Calvinists and the Arminians. Amongst the Arminians were to be found the Bishops and their followers, following in the lead of Laud. If Arminianism, was condemned by the voice of the Assembly and if it were condemned as a whole quite apart from any particular points of doctrine, then there was one more rod in pickle for the Bishops. Not that men like Dickson and Henderson were not absolutely sincere in the abhorrence they felt for any falling away from the narrow path of Calvinism. They felt, passionately, that those who were tainted with such defection, were ill birds who had to be extirpated, lest the Kirk should suffer prejudice. But Arminianism was suspect enough just because it was favoured by the Bishops. Naturally the one sided debate

① Dickson's address - October 1861

② Baillie 149. ✓



The Bishop of Menev Submitts

Asyle in Australia

called forth the fullest satisfaction from the Assembly ,  
 especially , ( so comments Gordon with not unmalicious humour  
 " of the most part of the <sup>(1)</sup> ruling elders , who with a devout  
 ignorance applauded these deep points with an implicit faith  
 although many doubted if all of them understood wither the  
 Arminian tenets or the refutatory arguments thereof . But that  
 was all one ; they were sure to say with the rest " .

This day came the first deserter from the ranks of  
 the Bishops , John Graham , Bishop of Orkney . He , in a letter  
 delivered by his son, excused his absence from the Assembly on  
 the grounds of his age , his weakness, the long journey and the  
 winter season , submitted himself to the Assembly's censure and  
 professed himself ready and willing to perform what should be  
 imposed upon or required <sup>(2)</sup> of him . His submission was a source of  
 great satisfaction to the Assembly ; it seemed to herald the  
 submission of the rest . of whom not more than three out of the  
 fourteen would have been recalcitrant , had they not been  
 afraid of the King's wrath and of the King's forces , the  
 existence and the threat of which had much to do with the  
 shaping of events in Scotland . But in his <sup>(3)</sup> statement that so  
 many of the Bishops would have been willing to surrender ,  
 Baillie is less generous than usual.

( ii ). The controverted Assemblies declared null and void

Tuesday December 4th saw the twelfth session , an im-  
 portant one indeed. Baillie's long and learned speech on Armin-  
 ianism was read , a speech for which he was thanked and in  
 providing copies of which he was kept busy for some days . A  
 Commission was appointed to deal with some of the Edinburgh  
 Ministers who had "declined " the Assembly and against whom the  
 was a popular petition . The appointment <sup>(4)</sup> of such a Commission  
 with full powers to hear evidence and to take action appears  
 as one of the heads of the royal indictment against the Assem-  
 bly . And then came the report of the Committee on the

- ① Gordon 3/45 ✓      ⑤ Larger Declaration 325 ✓  
 ② Ib . 3/46 ✓  
 ③ Baillie 150 ✓  
 ④ Ib . ✓

Alexander Carse leaps into fame

controverted Assemblies.

The Committee had done its work very thoroughly. It was a foregone conclusion that the Assemblies would be found null and void, but the Committee seem to have examined all the relevant evidence for they had delved into Acts of Assembly Books of Presbytery and Royal Letters. In addition to the report of the Committee some quaint evidence was put before the Assembly, a good deal of it being unworthy the consideration of the members. To the Assembly of 1610, if we may believe John Row, three members<sup>(1)</sup> had been sent by the Presbytery of Glasgow, two of whom succumbed to bribery. One of the sinners soul and conscience stricken, confessed later on in agony that he had sold the liberties of the Kirk of Scotland for fifty merks. There had been bribery enough at that Assembly, called the ~~Golden~~ Golden, but the money had been exhausted before every eager palm could be filled. "I know a minister" said John Kerr "that came when the bag was almost teemed and the Earl of Dunbar who was his patron said Well, Mr John, you are too lang a-coming, for I have no more left than ten pounds less forty pence ... and that he gat". These touches of gossip and scandal are interesting but far below the dignity of the Assembly. However it was not upon gossip that the decisions were to be based. or upon the hearsay evidence of men who had treasured their memories for a score of years and more. The conclusions of the Committee were the conclusions of the Assembly and the Assemblies of 1606, 1608, 1610, 1616, 1617 and 1618, were declared null and void and to have no ecclesiastical authority. The vote was taken by calling the Roll and by asking each member for his opinion. It was this method of voting that gave the minister of Polwarth, Alexander Kerr or Carse, minister at Polwarth, whatever immortality fame has given him. He was first on the roll and led the voting. "Very oft the man delivered his voyce in a quick merry taill so that he became to us almost a pleasant". Assemblies can be easily amused. The

(1) Peterkin 161. ✓

(2) Baillie 151

The Assembly's Blame

The Assembly of 1606

royalists jibed at Mr Alexander and suggested that succeeding generations would wonder at the marvellous influence he exercised over the Assembly, seeing that time and again the Assembly simply re-echoed whatever decision he gave. The Moderator, too, had his word in season. " These <sup>(2)</sup> Assemblies I trust be not only null but hereafter shall be a beacon that we strike not against such rocks, pathemata, mathemata, nocumenta documenta ". It was a big days work and a daring. Decisions of two at least of these Assemblies were in force by Act of Parliament. But the Assembly was proceeding along the high ground of Presbyterian polity " For albeit <sup>(3)</sup> Acts of Assembly are and may be ratified in Parliament, that is only that the civil sanction may concur with the Ecclesiastical Constitution. But it will not stop the Assembly to recall their own Acts, which being annulled by them, the civil ratification and sanction falls ex consequente. For to maintain that the Kirk may not repeal her own Acts, ratified once in Parliament, is so derogatory to Christ's prerogative and ordinance, to the libertie of the Kirk and freedom of the Assemblies, to the nature, end and reason of all Ecclesiastical jurisdiction .... that we believe few or none will be of that opinion ". Holding such tenets, members of Assembly could not be expected to stand in terror of Acts of Parliament. But whether any State could tolerate such high doctrine is another question.

The abrogating of these Assemblies had been a foregone conclusion. Unless they were out of the way, the trial of the Bishops was next to impossible. By the doings of James, that most high and mighty Prince had given grounds upon which a reasonable case against these Assemblies could be based. The Linlithgow Assembly of 1606, which introduced the permanent Moderator and made the Bishop Moderator of the Presbytery in which he had his episcopal seat, is condemned for six reasons which may be summed up thus ..... It was no Assembly but a Convention of Noblemen and Ministers, summoned by letters from

(1) Larger Declaration 316.

(2) Peterkin 162.

(3). Larger Declaration 349 - The Answer to the Professors Declaration made by James Marquess of Hamilton.



Assembly of 1608

Assembly of 1610

Assembly of 1616

the King , held on a different date from the indicted one, its members forbidden by their Presbyteries from agreeing to any thing that ran counter to Acts of Assembly and the established Discipline of the Church , while its Acts were unrecorded in the Register of the Assemblies nor did the succeeding Assembly of 1608 acknowledge it .

The Assembly of 1608 held at Lin<sup>th</sup>gow , which added strength to the power of the Bishops by continuing them as Commissioners to Assemblies and as permanent Moderators , is dismissed , because while it had as members nobles and bishops who came with no lawful commissions from their Presbyteries, it had violated the Act of Dundee in 1597, by excluding lay elders and by allowing more than the fixed quota of members to various Presbyteries.

The "golden " Glasgow Assembly of 1610 which passed many important Acts relating to the authority of the King and the position of the Bishops , is annulled because members had not been appointed in free and open election but had been chosen by the King and the Archbishop ; there were no ruling elders and there were too many ministers from certain Presbyteries ; nobles and barons were present without commissions ; votes were influenced by threats in the royal letter or by bribes from the royal purse; the Assembly was no free body but simply a machine to register the decisions already arrived at in conference by Nobles and Bishops .

The Aberdeen Assembly of 1616, which had projected a new Confession , Catechism, Liturgy and Book of Canons , lay open to the usual charges . Some of the members were present without commissions , some of the Burghs were overrepresented , the Presbyteries sent no lay elders , while the Assembly itself met so soon after the indictment that little time was given to Burghs and Presbyteries to send duly elected representatives . More than that, the Archbishop assumed the office of Moderator without ever having been elected and the Acts of the Assembly were so interlined, added to, changed and vitiated by the Archbishop that they had never been registered in the Assembly Books

Assembly 4, 1617

Assembly 4, 1618

As for the two remaining Assemblies ,that of St Andrew's in 1617, has no place in the Register of the Assemblies , was informally indicted and indeed was acknowledged by the King himself to be no Assembly but a meeting ; and the most notorious and important Assembly of them all, that in Perth in 1618 ,the Assembly of the famous Five Articles has ten reasons urged against its validity , shortness of time between the indictment and the meeting , no election of a Moderator , no formal election of a new Clerk , the absence of five whole Dioceses , the presence of noblemen and bishops without regular commissions from the Kirk , a twofold violation of the Dundee Assembly Act of 1597 for some Presbyteries were overrepresented and some of those present who had no commissions were allowed to vote , the Bishops were prejudiced parties as they had already begun to practise the Articles , the use of intimidation , and what goes right to the heart of the matter , " The <sup>(1)</sup> ground of proceeding in voicing was the King's commandment only .For so the question was stated : Whether the Five Articles in respect of his Majesties' commandment should pass into act or not: As the records of that pretended Assembly beareth , where it is declared that for the reverence and respect which they bear unto his Majestie's royal commandment , they did agree to the foresaid Articles ". The tenth reason is summed up thus ." Many other reasons verify: :ing the nullity of all these Assemblies were shown and proven before the Assembly which needeth not here to be insert ".

On these grounds and most of all upon the ground that they made for Episcopacy, the six Assemblies were declared null and void . The Presbyterian element now in the ascendant had a case. None of these Assemblies had gained the whole hearted approval of the rank and file of the Kirkmen . None of them could be said to be free , for the royal influence was predominant ,grave and far reaching decisions being reached by the votes of those who besides being there of set purpose to support the royal will , had not that right to speak and act for the Church which comes from appointment according to the laws and the practise of the

(1) Reum IX / Perth 24-25-6.



Church. Behind everything loomed the spectre of the Divine Right of Kings , the King in this case being one who was not slow to use all the tricks of cajolery, bribery or even intimidation to get his own wish carried through. These Assemblies had no other purpose than to be the registering machine for the royal fiats. The King may have planned far better for the welfare of the Church than his opponents ever did but that is beside the point. The democratic spirit struggling into the light preferred to be misgoverned by its own free will than to be well governed by a despot however benevolent. Amongst the reasons urged against these Assemblies we find much inconsistency upon the absence of duly appointed lay elders . That point had to be pressed out of consistency , though it must be noticed ( and Henderson and his friends cannot but have noticed ) that in these Assemblies there was a strong lay element , that would have voted with the same subservience to the King, even had they been duly sent up by their Presbyteries . But times had changed; the influential lay element now found itself in opposition to the royal policy whereas a generation back , they had supported it . And one must never forget that in 1638 it was the layman who asserted himself over against , at the beginning, a not altogether satisfied clergy. It must be admitted then that these Assemblies were vitiated by various irregularities but it must also be admitted that if the sentiment of the Church had remained even moderately episcopal, little or no fault would have been found with them. It was mainly because they stood in the way of the abolition of Episcopacy that they had to be flung upon the scrap heap and that Acts of Parliament were ignored. It was quite in order ( and the proper course would have been ) to revoke all the obnoxious ecclesiastical decisions and to present an appeal to parliament to revoke all such Acts as ratified Assembly decisions . In the meantime these Acts of Parliament would still have been acknowledged by



The Distribution of Presbytery

Absence of Angyle

129.

the Church. But men could not wait so long . In the interval the Bishops backed by the King, might regain their former ascendancy and so deliberately and wrongly the Assembly proceeded to act in defiance of the law of the land. It was admitted by Hendersoon <sup>(1)</sup> that they needed the ratification of Parliament for what they had done but they acted as if they required no such ratification . The Assemblies were declared all null and void and he would be a bold man who would claim that the consequent action taken thereupon was all for the good of the country. But the folly of unwise government is that it makes compromise and a generous settlement impossible , as Charles was to find to his cost.

Next day, December 5th, the Assembly was quick to draw its conclusions from the decision of the 4th. If the "pretended" Assemblies were null and void , then nearly the whole of the ecclesiastical legislation of the century was blotted out and the Constitution of the Kirk stood as it had been prior to 1606. <sup>(2)</sup> " There is none of us ", said the Moderator, " but can gather such an appendix as this , That since these Assemblies are null, no oaths that were taken of any minister , shall have any further obligation .....and we ought all to turn to our former practise warrantable by former Assemblies and customs of this Church .....and siclike, since Presbyterial power was taken away by these pretendit Assemblies , their power is now returned again ; and therefore let all of us use it when we go home ". <sup>(3)</sup> Accordingly an important Act was passed to the effect that Presbyterial government had been suppressed unjustly but had never been abrogated. "

This day saw little else done of importance, chiefly because Argyle was absent <sup>(4)</sup>. This naive confession of Baillie's shows how largely Argyle was now bulking on the Assembly , though strictly speaking he had no standing there whatever. He had become to all intents and purposes, the Commissioner but a Commissioner who was in sympathy with the action of the Assembly. Various processes were begun against various ministers , chief of them being that out and out Bishop's man Dr Hamilton of Glassford,

(1) Peterkin 188. ✓

(2) Baillie 152.

Argyle was absent at my Lord Blantyre's funeral. *James*

(3) H. 162. ✓

(4) Act. Sessum 13. Peterkin 26. ✓



who had had the courage to be the Bishops' Procurator and to present their Declinator . A conglomerate series of charges was brought against him ; he was an " ordinar swearer ", and a supporter of Sunday games amongst his parishioners . But the chief charge against him , a charge that required no other backing was his refusal to acknowledge the Assembly. <sup>(1)</sup> He was a man of some spirit and when the Assembly officer served notice upon him , he declared that he was not a traitor to appear before rebels and that he was an honest man nor any that sat in the Assembly . A few more men of Hamilton's stamp would have made a great difference to the cause of Episcopacy . The case against the Bishops was also touched upon , Henderson urging that the proceedings against them should be accurate and orderly and upon sure grounds " for our proceedings will be strighted to the uttermost".

( iii). The Service Book and the Court of High Commission swept

( away.

Thursday the sixth saw the report of the Committee on the Service Book . Ramsay and his friends for all their garrulousness had finished their task in less than the eight days he had demanded and the Assembly settled down to listen to many large and tedious treatises against the Books . Henderson urged the members to listen well and trusted they would not weary during the time of the reading of the labours of their worthy brethren for there were many notable points of heresy and error in the Books that required to be exposed. <sup>(4)</sup> " I am sure ", he went on, " it will be more delectable for us to hear their things reading, nor to have been reading these Popish Books ourselves in our Churches ". The treatises were not only long and tedious, but hurried and unscholarly according to Baillie. <sup>(5)</sup> There were many things in our pamphlets that might not well have abidden the light , how well soever they == at the first reading , they pleased men unacquaint with that kind of study ". The gist of the objections may be seen in Baillie's own " Animadversions " published in 1644. They occupy something like <sup>(6) thirty four.</sup> twenty pages in Gordon ; so that whether they were scholarly or not , they were at least copious. The Assembly did not take long to make up its mind. For one thing, the royal Proclamation had already "discharge

(1) Baillie 152-3. ✓ (4) Baillie 152. ✓

(2) Peterkin 162. ✓ (5) Peterkin 163. ✓

(3) Id. 163. ✓ (6) Gordon 3/50-57. ✓



the obnoxious Books. For another the case against them was summed up as Henderson had summed it up, in the word Popish. When the question was put whether the Books and the High Commission were rejected and condemned, they were rejected and condemned without a vote to the contrary. Several of the members as they voted, were tempted to add expressions of their opinions. The "Pleasant" <sup>or</sup> of the Assembly Mr Alexander Carse seems to have been in the best of humour. <sup>(1)</sup> "As for these books", so he jested in merry fashion, "sepeliantur sine honore; as they were hatched and introduced in an unlawful manner, let them be buried in reproach and shame. As for the High Commission, no tyranny is of long endurance and therefore with a short cut, abjure it". Thomas Ramsay another Borderer from the parish of Foulden rejected them to the jacks of eternal destruction while Andrew Cant, the firebrand from the North stammers almost, in his eagerness to spue them out. "I think the High Commission like the Spanish Inquisition. I think the Book of canons full of Popish and Popelike tyranny. I think the Service Book full of superstition and massing Popery; and I think that Book of ordination like the beast in the Revelation with which none could buy or sell. <sup>(2)</sup>" Books and the Court of High Commission were thus unanimously condemned in this wholehearted fashion. They contained popish errors, had been illegally introduced and were repugnant to the doctrine and the discipline of the reformed Kirk. In this rejection the Assembly stood on firm ground. Quite apart from the so called Popish errors which seem to us much less heinous than they did to the men of 1638, the Books had certainly been imposed upon the Church from without, without the consent or approbation of the rank and file of the Church, or of the Assembly. The Bishops had been willing enough to see them put into use and the Bishops claimed to be the Church, but the Assembly had never acknowledged and could never acknowledge such a claim. The Court of High Commission had been illegal

(1) Peterkin 164. ✓

(2) Cant's exposition of Rev. 13/17 is faulty. It was not the beast with whom none could buy or sell; but only those could buy and sell who had the mark of the beast. ✓

(3) See Peterkin 163. ✓





and its constitution a " mungrell clero or episcopo laicall ecclesiastico civill Judicatorie " and was abhorrent and obnoxious to the whole community . There were few to weep for the passing of these novations.

(iv). Episcopacy abjured and removed from the Kirk.

Apart from the trials of several ministers which gave ground for the jibe that while every man who was suspected of episcopal leanings, had serious flaws in his character and conduct, the members of the Covenantee party were all above scandal and reproach, the next six sessions from December 7th to the 13th were occupied with the two most germane matters of all, Episcopacy and the Trial of the Bishops. Episcopacy was dealt with when the Assembly faced what was involved in the Confession of Faith. On the 8th the Confession came up for interpretation. This step had been hurried on by political events. A meeting of Privy Council had been summoned to meet in Edinburgh on the Tuesday following at which meeting it was essential that the Covenanting members should be present to meet with a counterstroke any action likely to be taken by the Commissioner. Argyle of all men could not stay away from such a meeting of Council but before he went he desired to have the matter of the Confession cleared. The question to be settled was simply whether Episcopacy and the Confession were compatible. On the one hand there was the contention of the King's party that subscription to the Confession did not forbid the maintenance of Episcopacy as part of the policy of the Church; on the other hand the extreme Covenanters held and held strongly that subscription to the Confession meant the abjuration of Episcopacy. Moderate men hoped that the two positions would be reconciled. but the time for moderate men to count had long since passed.

As usual in times of excitement the intriguers were busy. We have Hohnston hard at work in the Tolbooth clearing the mind of Argyle and others as to the condemnation of Episcopacy by the Constitution of the Church. On the morning of the 8th,

① Gordon 3/59. ✓

② Peterkin 166. Baillie 155. ✓

③ Drury. 402 ✓

Attempts to muzzle Baulhe

Ramsay and Baillie find<sup>133</sup> themselves summoned to my Lord Rothes lodging. These <sup>(1)</sup>men were the only two from whom any opposition was likely to be feared. They were told that Episcopacy was to be handled that day in the Assembly ( from which it may be inferred that even leading men like Baillie had no order of business in front of them and never knew till they were in their~~re~~places what matters were likely to be discussed ). Baillie stated his position. He was willing and eager that Episcopacy should be removed from the Church but he would have great scruples in supporting any motion that condemned as unlawful and wicked, an organisation which in all the Reformed Churches, to say nothing of the great writers of the Church, had been considered lawful. There was little time for discussion that morning in my Lord Rothes' lodging. Both Rothes and Henderson who was also present, seemed quite indifferent as to the manner in which Episcopacy should be removed so long as it was removed. With this understanding, the conference broke up. Baillie and Ramsay were instructed to draught a motion that would meet their own point of view. But when the Assembly met there was no room for Baillie's opinion. Loudon<sup>(2)</sup> in a tediously able speech introduced the subject by saying that the Committee were ready with an answer not to the question of Episcopacy in the abstract but to the question whether Episcopacy and the corruptions were compatible with the doctrine and the discipline of the Church as it was established in the<sup>1</sup> year 1580 and 1581. The report, the work<sup>(3)</sup> mainly of Calderwood and Johnston was in three parts. The first part gave reasons for the necessity of a clear interpretation of what was involved in the Confession of 1580; the second part was a series of excerpts of all the Acts of General Assemblies from 1576 to 1596 which had condemned Episcopacy; the third part was designed to meet the objections that might be urged from an Episcopal standpoint. A lengthy one sided discussion followed in which Henderson took a prominent part assisted by the strong backing

- ① Baillie 158 ✓  
② Peterkin 166 ✓  
③ Peterkin 28-32 ✓



of Johnston who with the subject at his finger ends and trading upon the ignorance of many of his hearers for it was impossible for any but experts to be acquainted with all the mass of law civil and ecclesiastical which dealt with the subject, ventured upon the exceedingly inaccurate statement " I know certainly <sup>(1)</sup> that this office of Bishop was never established by any Act of Parliament in Scotland, which I never knew myself but within this twelvemonth when I took special note of all Acts of Parliament for that effect." This statement Henderson clinched with an expression of opinion worthy of the highest of Churchmen. " It becomes us <sup>(2)</sup> he said " to have a reverend estimation of the laws of the country but there are no Acts of parliament that can be the ground of our ecclesiastical polity ". Loudon followed with a dubious inference from some Acts of Parliament and succeeds in contradicting himself. The Act of 1612 <sup>(3)</sup> he holds, does not ratify the doings of the Glasgow Assembly of 1610 ; but he proceeds to add that as the Glasgow Assembly had now been annulled, the ratification fell to the ground. Either Loudon has been misrepresented or he had no very clear grasp of the subject <sup>(4)</sup> on which he was speaking. At the close of the discussion Argyle was asked if his doubts had been removed. We have seen that Johnston took credit for removing these doubts or ever this session had met, so that his answer was not unexpected. It was in less cloudy terms than usual for he declared that neither the Commissioner nor himself nor any of the Prelates ever dreamed that these reasons were so relevant or that the assertions of the anti-episcopal party could have been proved so fully, formally and religiously as he had heard them proved. He wished the Commissioner had heard the debate and he assured the Assembly that he would relate the proceedings to the Council. The finding of the Committee was clear enough and the Moderator proceeded to put to the vote the momentous question, " Whether according to the Confession of Faith as

① Peterkin 167 ✓

② H. ✓

③ H. ✓

④ Gordon 3/65 - where Argyle's speech is much clearer & more enthusiastic than the version in Peterkin, 168 ✓



Bulle dessinée

it was professed in the years 1580, 1581, and 1590, there be any other Bishop but a Bishop over a particular flock or Whether there be any to be acknowledged to be Pastors over Pastors, having pre-eminence over the brethren and consequently Whether by that Confession as it was then professed all other Episcopacy place power or pre-eminence is abjured and ought to be removed out of the Kirk?, The well drilled Assembly were almost unanimous that Episcopacy should be abjured and removed out of the Kirk, all, with one exception following the lead of the redoubtable minister of Polwarth.

The one <sup>(1)</sup> exception was Baillie. Ramsay was too busy preparing a sermon for the Sunday and Baillie was left alone. He had good ground for his hesitation. According to him, the question put by the Moderator was not a fair one. It implied three different answers for it involved three different questions which need not all be answered in the same way. The three questions are. Is there only one kind of Bishop?. Is Episcopacy to be removed? Is Episcopacy to be abjured. Clearly some might be quite unable to answer all this with a simple yes or No. Many of the voters, as was <sup>(1)</sup> noted, voted only for removal but said nothing of abjuration. The question had been deliberately framed in this portmanteau fashion to avoid anything that might seem like a difference of opinion in the Assembly on this and such like vital matters. Removal and Abjuration were linked together for this purpose and one cannot but feel that Rothes and Henderson had not run straight with Baillie when they led him to believe that so long as Episcopacy was removed they were indifferent as to the manner of its being removed for it is clear that before ever they had met Baillie that morning, their plan of campaign had been fixed. Baillie to his credit made his protest. There was an Episcopacy that could not be abjured. Nothing could convince him of the opposite. But he stood alone in his protest. The Moderator had his word in season. He is exultant <sup>(2)</sup> over the unity of the Assembly, that unity due to the subtle planning of none more than himself." It rests now

(1) Baillie 157.

(2). Peterkin 163.

The Five articles

that we be thankful unto our Lord " he went on ." I trust there is none of us that are come here with an honest mind but they would have bought this day at a dear rate and given a dear price for this voting ,whilk God has done far beyond our deserving or expectation .....and our adversaries need not to say that it was the votes of a number of Gentlemen and elders that carried it away ; but blessed be God that ministers and everyone here present with great unanimity has gone together without any contradiction , which is a matter of admiration and a wonder of wonders for the whilk we know not what we shall render unto our gracious Lord ". An interesting point is noticed by Gordon . On the following Monday those ministers who for one <sup>(1)</sup> reason or another had been unable to be present at the voting on the Saturday , were called upon to give their votes, Ramsay amongst them presumably. They were mistaken if they had imagined that by their absence they would be saved from a disagreeable situation .There were to be no members who had not committed themselves definitely to one side or the other.

Closely allied with the question of Episcopacy were the Five Articles of Perth. which for something like a score of years had been a kind of festering sore in the body ecclesiastic . Thus they seem innoxious enough , not to say praiseworthy , seeing that with the exception of Episcopal confirmation, they are all observed in more or less degree ,if not with the sanction certainly with the connivance of that same Presbyterian Church to which they once were so hateful. So detestable were these Articles to the members of the Assembly that the most extreme action was taken against them . As Baillie had gloomily foreseen <sup>(2)</sup> ,the nail was driven into the head. There seemed little need for extreme action .The royal Proclamation had delivered the Church from the compulsion to observe these Articles; the Assembly that passed them had been declared null and void . But that was not enough. The door must be banged and bolted. The Clerk read a carefully

(1) Gordon 3/73 ✓

(2) Baillie 151. ✓



prepared statement <sup>137</sup> against the Articles in which was shown forth their incongruity with the Confession. The Moderator, Dickson, Ramsay and the inevitable Loudon made their contribution and in no measured terms. It is true Henderson made a show of impartiality. " I remeber <sup>m. (1)</sup> again how circumspectly and warily we have gone on in this business ;not censuring other Churches but wishing all things may be regulated well in our Church. Neither go we to trouble any man's conscience with idolatry, superstition or any other kind of thing ". But there was nothing impartial in the discussion. To observe anniversaries was to derogate from the Lord's Day. Confirmation was one of the Bastard Sacraments. Neither was there impartiality in the question as it was put to the Assembly, Whether or not according to the Confession of Faith as it was professed in the year 1580 and afterwards, the Five Articles ought to be abjured and removed. This question was open to the same criticism as the question when Episcopacy was put to the vote. It was a double question. A ~~man~~ <sup>man</sup> might well agree to the removal who would have scruples about agreeing to the abjuration. As one who held such a view, Baillie ventured upon a protest. To declare that the Confession implied the aburation of the Articles was to convict of perjury all who had practised or defended them. Henderson took the criticism in ill part. He retorted sharply that Baillie might so interpret the question if he cared, but that he, the Moderator meant no such thing. But the Assembly did so mean it. All with the exception of Baillie voted the Articles both abjured and removed; Baillie agreed to the removal but not even his desire to have no jar in the Synod's sweet harmony, could make him vote for abjuration. And so the Assembly prohibited and discharged all disputing for or observing of the Five Articles or any of them in all time coming and ordains Presbyteries to proceed with the censures of the Kirk against all transgressors. The men who championed liberty against what they believed to be the royal tyranny are not slow to be tyrants in their turn. But the whirligig of

(1) Peterkin 169. ✓

(2) Baillie 159. ✓





time has worked its revenge. " All time coming " is a big phrase ; it is the fate of such comprehensive declarations to be stultified sooner or later and so it has been with the decree that aimed at an eternal prohibition of all or any of the Five Articles.

It was this day ,December 10th that on the motion of James Lyon,Laird of Auldbar , a Committee was appointed for a very important purpose. So far, the energies of the Assembly had been purely destructive ; the time had arrive for a policy of construction and the Committee <sup>(1)</sup> were instructed to collect and examine any overtures that aimed at the future good order and discipline of the Church. It was a businesslike Committee. Its members investigated the old records of the Kirk ; found therein enough to make the passing of new Acts needless and by and by brought their labours before the Assembly ,to win its whole hearted approval.

(v). The Prelates on Trial.

By the 12th the last of the Bishops had been dealt with and the way was made open for sentence to be passed upon them. If the Assembly had been whole hearted but slightly mystified during the discussion on Episcopacy , it was none the less whole hearted and not at all mystified when it handled the Bishops. Strong terms have been used to describe the trial and it must be confessed that these strong terms have been deserved. Here if anywhere the Assembly lost all sense of dignity and proportion . There can be no mistaking the fact that animus of the bitterest kind was shown against these unfortunate men .The temper shown is quite unworthy of any body of men sitting as a supreme court from the judgment of which there could be no appeal. It seems to have been easy enough to rake together charges of a kind against the Prelates ; but their main crime consisted in their being Bishops and that was enough to condemn them ; enough certainly

(1) Peterkin 169.



to colour every charge brought against them ,great or small, important or trivial,founded in fact or based upon gossip.And it was a conglomeration of charges that was brought against them. The Larger Declaration quotes one of the sentences of deposition to show that the only crime of the Bishops was their obedience to Acts of Parliament and to Acts of Assembly , and comments on the absence of the accusations brought against them in the malignant libel and trumped up during the trial.But the truth is that the terms of the sentence of Deposition are the only dignified things about the whole business. Charges in plenty were brought before the Assembly , and such charges as nothing but the most rancorous odium theologicum could ever have countenanced.

The Bishops were divided into groups ,St Andrew's , Glasgow, Edinburgh, Galloway, Ross and Brechin whose signatures are to be found attached to the declinator ,are singled out for the full fury of the attack. Galloway and Ross were especially obnoxious , the latter being indeed the very brain of the Episcopal Board and a foe not to be despised even after his excommunication . These with Aberdeen and Dunblane were deposed and excommunicated . Moray ,Orkney ,Lismore and The Isles were deposed but the threat of excommunication was held over their heads in case they persisted in their refusal to acknowledge the Assembly . Dunkeld and Caithness who alone yielded at this time were deposed but admitted each to the charge of a parish on the understanding that they acknowledged the Assembly. And so the fabric laboriously erected by James vanished for a season into thin air.

The Bishops were libelled on a twofold charge . One and all were accused of trampling under foot the Caveats laid down by the Assembly of 1600 and of having accepted and enjoyed the office of Bishop. But one and all were also assailed by a series of accusations against their life and conduct,accusations which savour of the sewer , which may have had some basis in fact ,but

Gullway

the bringing of and the insistence upon which showed the merciless temper of the Assembly.

Thomas <sup>(1)</sup>Sydserf, Bishop of Galloway, the victim of the Edinburgh mob of the previous year, remembered most of all because he sent Rutherford who was not by any manner of means an easy person to have in one's diocese, into exile in Aberdeen and so is indirectly responsible for some of the most interesting letters written by that unique person, came first under the lash. He was tried even before Episcopacy had been abjured. He was accused of breaking <sup>(2)</sup>the Caveats, of preaching false doctrine, Arminianism and Papistrie (which means not more than that he was out of touch theologically with his brethren). He found comfort in his <sup>(3)</sup>crucifix, an unpardonable sin; he was declared to have fined and deposed ministers, to have fined and put under restraint Gentlemen for non-conformity; he preferred the Papist to the Puritan, made light of family prayer and had even gone so far as to do some horse dealing on the Sabbath day. Galloway was a man of exemplary life for his enemies could bring no worse charges against him than these. But not even an exemplary life could save him. <sup>(4)</sup>Henderson is strong on the point that it was not enough to be a good man in the world's estimation. The venomous poison of false teaching deserved a great censure. Whatever sentence should be passed was in truth for the good of the accused "for the destruction of their flesh that their souls may be saved in the day of the Lord". He took care however to observe the forms of fairness. No man was to be allowed to vote who had appeared as a witness. With such a lead from the Chair, the decision of the Assembly might easily be anticipated. Alexander Carse led the way for deposition and excommunication. A handful of men, Baillie among them shrank from the stern sentence of excommunication but next day they fell into line with the majority. It was a perilous thing to disturb the sweet harmony of the Synod. So Sydserf was deposed

and excommunicated. But he lived to see the wheel return full

(1) Sydserf was a kind of stormy petrel. In February 1638, he incurred the anger of the mob at Stirling, Falkirk and Edinburgh.

(2) Deputation 165. Baillie 153-4.

(3) Sydserf's crucifix was one of the popular subjects of gossip of the day - see Baillie 161.



St Andrews

Heckin

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circle , dying in Edinburgh in the autumn of 1663 as the Bishop of Orkney .

John Spottiswood , Archbishop of St Andrews, disliked by the greedy and ambitious Lords because amongst other things , he held the high office of Lord Chancellor of Scotland upon which many of them had set their hearts; hated by many of his fellow ministers as the chief agent employed by the King in forcing his measures upon the Church , fared no better. His character was not so invulnerable against reproach as that of Sydserf , as even Burnett admits that he was of no great decency in the course of his life. No consideration was shown to the old man who for thirty years had played so large a part in Scots affairs . He was accused of embezzlement of trust money , of sitting up late and tippling in taverns , of breaking the Sabbath day, of falsifying the Acts of the Aberdeen Assembly . His accusers were prepared to go further and to accuse him of grosser crimes still . Incest was even mentioned. There was nothing too abominable of which a Bishop qua Bishop could not be guilty in the eyes of his foes. But perhaps what rankled in their minds most of all was his contemptuous description of the Covenanters. " When <sup>(3)</sup>our petitions were framed and given in to the Council , the pretended Bishops rejected it because it bore IN the name of the Kirk and Clergie joyning w th the Nobles and Gentlemen. The Bishop of St Andrew's answered Whom call ye the Kirk ?. A number of baggage ministers worthie to be banished. Ye shall understand that we are the Kirk" Such words were not easily forgotten and there could be no hesitation as to the sentence a man who spoke such things , deserved. Deposition and Excommunication. Spottiswood did not long survive his fall , dying in London a twelve month later.

Walter Whiteford , Bishop of Brechin , had not led an immaculate life , Hamilton himself bearing witness , even if the facts were not apparent from a residuum of the charges brought against him. As he seems to have given most openings for the scandalmongers

(2) ( Aberdeen 166 - Bales 154.

(3) Aberdeen 163.

Glasgow

the attack upon him was the most outrageous of all. One can: not but sympathise with the comment passed by Gordon " The reader cannot chuse but to blush to read things of this nature nor would I set them down here but that they were publicly objected and stand on record " He was accused of the most shaeless drunkenness and immorality . Such indeed was the venom of his enemies that <sup>the</sup> <sup>(1)</sup> next day after his sentence had been passed one Mr Matthew Wemyss was allowed to dig deeper into the garbage . Rutherford has a vile sentence about him . We can agree with Gordon when he states that it is questionable whether the acting or the divulging these crimes was the more scandalous . There is ground for believing <sup>(1)</sup> that the scandal was grossly exaggerated . Whiteford a man of great spirit and courage ( Did he not enter his Cathedral Church , armed to the teeth and read the Service Book in spite of all opposition ) ? <sup>(3)</sup> was prepared to meet his accusers in open Assembly but he was restrained by Hamilton who feared <sup>(4)</sup> that such an appearance might be taken for an acknowledgement of the Assembly. For him there could be nothing but deposition and excommunication . He was a man whom misfortune followed for as Rector of Waldegrave to which living he had been presented by Charles , he was met with the same bitter implacable spirit that had been his lot in Scotland " and was soon dispossessed <sup>(5)</sup> though his age gravity and learning deserved better treatment . He died in 1643 at the age of 62.

Patrick Lindsay , Archbishop of Glasgow came next. The heart of Lindsay seems to have failed him when excommunication was in the air and he opened negotiations through the Earl of Wemyss. <sup>(6)</sup> He had signed the Reclinator under compulsion so he gave them to understand, being overpersuaded by the masterful Bishop of Ross. The Committee appointed to deal with him had to confess failure. He was asked only to submit to the Assembly . Two lines would be enough . But he could not

(1) Gordon 3/62: 63. 64. . note 64. ✓

(2) "The adulteries of Whiteford, popish prelate of Brechin, whose Bastard came weeping to the Assembly of Glasgow, in the arms of the Whore -

Lex Rex . Preface . Sec. 12. ✓

(3) Baillie 41. ✓

(4) 26. 154. ✓

(5) Fasti Ecclesiae Scoticae . ✓

(6) Baillie . 56. 163 . Peterkin . 170. 172. ✓

142.

the attack upon him was the most outrageous of all. One cannot

out

Edmund

take that final step of humiliation. It was in vain that he called attention to his past life and its unobtrusiveness; he declared, the testimony of the ministers of Glasgow notwithstanding, that he had never been violent in urging the innovations and requested "for God's <sup>(1)</sup> ~~sake~~ <sup>cause</sup> that the sentence of excommunication might not be given out against him till the latter part of the Assembly". But only one thing could satisfy the Assembly and that was the submission he refused to give except by word of mouth. There was nothing to be said against his character; he could be libelled only for highhanded episcopal action. He was deposed, and given two days to submit after which he was excommunicated. Baillie will not grant him even the credit of being loyal to his cause. There was a promised <sup>(2)</sup> pension of five thousand pounds which he shrank from losing. But probably Baillie is not too generous to his former bishop although in the previous year he had signed himself Your Lordship's <sup>(3)</sup> most loving friend. Lindsay a man of over 70 escaped to England. and died at York in 1644 "put well near to Adamson's <sup>(4)</sup> misery". Such was the destitution of the former Archbishop that he had to be buried at the expense of the Town Governor.

David Lindsay, Bishop of Edinburgh was blameworthy for what in our times would be called ritualistic extremes. He was a thorough advocate for the innovations, made much of holy water and indulged in popish toys and rochets and other masslike apparel. Evidence was called to show that he had even bowed to the altar, while it was noted that there was enough heterodoxy in his <sup>(5)</sup> True Narration of the Assembly at Perth, to justify his being turned out of the Church, even if no other charge could be brought against him. Unanimously he was deposed and excommunicated but he emerges from the furnace of his trial as a man of unblemished character. There were no stains in his life that could be twisted to base uses. In

- (1) Peterkin 172. ✓  
 (2) Baillie 156. ✓  
 (3) H. 12. ✓  
 (4) Fasti.  
 (5) Gordon 3/75. Baillie 160. ✓



Ross

his comment upon the Assembly's vote on this occasion, Hender:  
 ;son delivered himself of one of those pious unctuous pronounce  
 ;ments which to the Philistine smack of cant or of crocodile's  
 tears. " I am persuaded that this Assembly <sup>(1)</sup> is seeking their  
 Salvation allanarlie ; and we know no other remedy for gaining  
 their souls but this only . Therefore let us do it out of com:  
 passion to the Kirk of God and to him also ". The compassion of  
 the Assembly was a giftless gift, and yet to impugn Henderson's  
 sincerity is to do him injustice. Lindsay fled to England where  
 he died in 1641.

The last of the signatories to the Declinator was  
**John Maxwell** , Bishop of Ross, the ablest and most ambitious of  
 them all, " the vive example and <sup>(2)</sup>perfyte pattern of a proud  
 Prelate ". Of all the episcopal board ,he was most to be feared  
 H<sup>c</sup> was hand in glove with Laud ; amongst other things he had  
 directed or attempted to direct <sup>(3)</sup>the course of action to be  
 taken by Hamilton at the Assembly . Baillie disliked him immense  
 :ly. " We expect no grace at his <sup>(4)</sup>hands ", he writes in the  
 middle of November " for it was his holie fingers that carried  
 us down the first ,the Book of Canons and thereafter the Book  
 of Service ; if he now bring the discharge of the Assembly ,he  
 bot continues to be like himself, ane meeke and calme ,happie  
 instrument for the peace of thas poore Church ". Against such  
 a man the hounds bayed fiercely. He had been an ardent user of  
 the Service Book; he was a bower at the Action , a wearer of  
 the cope and the rochet , a deposer of godly ministers, a player  
 at cards on the Sunday . In his public preaching there was  
 much open to criticism but as Gibson of Durie had not been  
 able to prepare the full charge in time for the trial ,the  
 indictment against him was not so weighty as presumably it  
 might have been . Against his personal character little is said  
 had there been anything to say, it would have been said . The  
 head and front of his offending was his ambition upon which

(1) Peterkin 170.

(2) Alexander Garsie's comment - Peterkin 170.

(3) Letter written from the Castle of Glasgow to Hamilton, Nov. 22<sup>nd</sup>. Burnett 96. Quoted Peterkin 171-3.

(4) Baillie 112.

Aberdeen

Dunblane.

<sup>(1)</sup>  
Hamilton comments unfavourably <sup>145</sup>. He had become a constant  
attender at Court and he was the " main <sup>(2)</sup> instrument of all  
the troubles and calamities of the kyngdome for some tyme  
past, ane abetter thereof , a boutefeu betwixt the King and  
his loyal subjects". Of Maxwell's deposition and excommunicatio<sup>n</sup>  
there could be no doubt. But he had a niche in the heart of  
Charles who speedily raised him to an Irish Bishopric and  
he died in 1646 as Archbishop of Tuam at the age of 55, his  
death being hastened by grief over the crowning disaster of  
Naseby .

Adam Bellenden or Ballantyne had not signed the  
Declinator , not however from lack of will, or so some thought. <sup>(4)</sup>  
He had shown that tendency to extreme action that many converts  
show. In his early years no one had been more bitter against  
Bishops than he and he had signed the Protestation given to  
Parliament in 1606 . But he had " loup<sup>(5)</sup>ed the dyke " and now  
for thirty three years he had been a Bishop . The charges  
brought againt him were all ecclesiastical . Being a Bishop, he  
had very much played the Bishop. That is their sum . Certain  
members would have been content with deposition but Alexander  
Garse led the Assembly to insist on the full penalty . He  
died nine years later at the age of 78 , <sup>(6)</sup> rector of Portlock  
in Somerset.

Neither had James Wedderburn of Dunblane signed the  
Declinator but he was one for whom the Assembly could show no  
mercy. He was suspected of having had a good share in the com:  
position of the service Books which he had been rigorous in  
imposing upon his ministers. Worst of all he was reckoned to <sup>(7)</sup>  
be the tool of Canterbury . Before his elevation to the Bishop  
ric, he had been Professor of Divinity at St Andrew's where  
his lectures had been all against the traditions of his  
Church ; indeed he had been a source of infection to the  
Kingdom. Baillie's last sentence is significant " <sup>(7)</sup> What  
drunkenness, swearing or other crimes were libelled , I do  
not remember ", as if these were the inevitable charges that

- (1) . Letter of November 27<sup>th</sup> - Peterkin 113. (2) Baillie 167.  
(2) Grollm 3/77.  
(3) Fasti.  
(4) Baillie 161.  
(5) Peterkin 170.  
(6) Fasti.  
(7) Fasti.

Arkney

moray

146 <sup>was bound to</sup> incur<sup>d</sup>. In vain Stirling of Keir tried  
to save him. Mr Alexander Carse was for sending him to the  
land of Nod with deposition and excommunication. Wedderburn  
did not long survive his deposition, dying next year in  
England at the age of 54.

The next four were dealt with less rigorously. For  
them, the tender mercies of the Assembly allotted Deposition  
only. They had been wise in season and had bowed before the  
storm. The charges brought against them were equally heinous  
with the charges brought against their more unfortunate brethren  
but there were alleviating circumstances. George Graham had  
been as oppressive a Bishop as any during a long thirty years  
in Orkney. He had been "a setter of tacks" to his sons and  
grandsons, to the prejudice of the Church; he had winked at  
adultery and "charming"; he had neglected preaching and worst  
of all he had curled <sup>(2)</sup> on the Sabbath day. But the Assembly had  
early received his submission. It was not a formal submission  
but Loudon argued that it was a material <sup>(3)</sup> one, an answer which  
the Assembly applauded. The Assembly had still some bowels of  
mercy for those who would acknowledge that it was a valid  
Assembly. Graham had not great love for the "novations"; that  
fact and his material submission saved him from an immediate  
excommunication. He was deposed<sup>d</sup> but ordered to give tokens of  
repentance before a certain day or else the full penalty would  
be imposed. His contrite repentance was received by the Assembly  
of 1639 and stands in the Assembly Books <sup>(4)</sup> ad perpetuam rei  
memoriam. A shrewd man of business he managed to preserve his  
estate of Gorthie during all the troubles and there it is  
likely he died not later than 1647.

A legal difficulty cropped up when they came to deal  
with John Guthrie, Laird of that Ilk, Bishop of Moray since  
1623. It was objected that he had never received a formal sum-  
mons, the point seeming to be that there was no evidence of  
the execution of the summons. The narrative shows, so it may

be inferred, that strong influences were being brought to bear

(1) Peturkin 171. ✓

(2) This comes first of all Baillie's charges - 163. (3) Peturkin 171-2. ✓

(3) Peturkin 171. ✓

(4) Peturkin 204. ✓



Argyle

The Isles

to save him; the Moderator<sup>147</sup> himself<sup>(1)</sup> was accused of partiality and highhanded action in the Chair. As a Bishop there was nothing much to be said for him except that he did not sign the declinator . He had been the first to put on his sleeves in Edinburgh in 1633 when he had then professed that to please the King he would make himself yet more vile . Loud<sup>(2)</sup>voiced Andrew Cant had extraordinary accusations to bring agsint him , such as that he had had danced in his shirt at his daughter's wedding which charge says more for Cant's inagination than for his Christianity or common sense. When the vote came to be taken, twelve stalwarts were for excommunication , but the majority were satisfied with depositon , the major penalty to be imposed failing repentance. But Guthrie was made of stern stuff. The excommunication fell upon him the following year ,but he retired to his castle of Spynie which he held bravely till he was drive out by force of arms after<sup>(3)</sup>which he was imprisoned in Edinburgh Castle , to be liberated in 1641 on condition that he did not return to his old diocese. Guthrie retired to his estate of Guthrie wh re he lived contentedly and died much lamented.

James Fairley had been Bishop of Argyle for little more than a year. Baillie laments the deterioration of his character<sup>(4)</sup> brought about by his elevation ,so demoralising and so speedy in its action was the venom of Episcopacy. His appointment to Argyle was scarcely a suitable one if it is true that he could not be understood by his Highland sheep without an interpreter.<sup>(5)</sup> Only five days had he spent in his diocese and thse days had been spent in collecting his dues. Being a Bishop ,he was worthy of censure ; he was deposed and his submission came in time to save him from the extreme penalty . He ended his days as minister at Lusswade. Over his deposition the "Pleasant " of the Assembly waxed merry. " He sleipit but few nights in his<sup>(6)</sup> episcopall nest and was not weill warmed in his cathedral chyre whill both chyre and cuschane was taken from him .

Depositon with the threat of excommunication was also the fate of Neil Campbell, Bishop of the Isles . Against him there was no charge except that he was a Bishop .He was a man of great piety , the only one of outstanding piety on the Episcopal Bench

(1) Baillie 163.<sup>✓</sup>  
(2) Peterkin 172.<sup>✓</sup>

(3) Baillie 164.<sup>✓</sup>  
(4) Gordon 3/83.<sup>✓</sup>

(5) Peterkin 172.<sup>✓</sup>

Dunkeld

Guilthness

but it is hinted that he was saved not so much by his piety as by the fact that he was a Campbell.

Two Bishops remain, Dunkeld and Caithness. Alexander Lindsay, Bishop of Dunkeld cowered before the storm, word of his submission being laid before the Assembly on the 7th. It was not a very dignified position he took up. An invalid at the time he was represented by his son who delivered a letter in which the Bishop acknowledged the Assembly and prayed to be retained as a Bishop, if the Assembly declared for Episcopacy; otherwise he was ready to obey the Assembly and to live and die as the minister of the quiet parish of St. Madoes. Dunkeld had not been guiltless; foul practices of simony and avarice could be brought against him. There was keen discussion over him. Twenty would have enforced the full penalty, his open desire to remain a Bishop, inspiring a not unnatural prejudice against him but the final sentence was one of deposition from his Bishopric and Ministry till he had satisfied an Assembly Committee, composed in part of ministers from his own Diocese, of his repentance. David Dickson was emphatic for a full repentance. Episcopacy was a wrong to the Crown of Christ Jesus and to the Kirk of Scotland and by its starvation of souls was a "bloodie sin before God". Lindsay satisfied the Committee and died at St Madoes.

John Abernethy, Bishop of Caithness also made his submission. The main charge against him was the comprehensive one of simony. Abernethy had never been a very whole hearted Bishop if one may judge from the discussion over his case. He had many noble friends who tried to make the blow as light as possible and in the end he was deposed from his Episcopal functions and with the promise that if he could satisfy an Assembly Committee as to his repentance he would be re-admitted into the Ministry. He did not long survive the Assembly, dying in the spring of 1639.

And so ended the toilsome labours of the Bishops' process.

- (1) Gordon 3/84 ✓  
 (2) on Oct-1. 1640 - Campbell was declared by the Synod of Argyle "capable of the Ministry" ✓  
 (3) Gordon 3/86 ✓  
 (4) Peterkin 173. "a dead stock by which him had nothing to do with such a calling". - Gordon 3/86.  
 Baillie 165 ✓



It was not an edifying business. The absence of the Bishops made the trial a mockery, though, it is questionable whether the Assembly would have been much more tolerant had they been present. Some of the accusations are so abominable that one can hardly say whether the sin or the spirit that prompted the charge is the worse. With the annulling of the six Assemblies, there were sufficient quasi legal grounds on which to condemn the Bishops, but the moral charges were obviously meant to ensure condemnation, if the formal charges should prove futile. And it must not be forgotten that quite apart from the humiliation of the deposition, excommunication was a serious matter. On the 17th December that rigid Covenanter. Sir Thomas Hope, the Advocate, met the deposed Bishop of Brechin, his old time friend so he tells us in one of the few living passages in his Diary, coming from an audience with the Marquis. He turned his back upon the unfortunate man and when asked for an explanation, replied that though there had been intimate friendship between them in the past, it had now to be suspended on account of the recent sentence of excommunication. Even if there were no other evidence, Baillie lets slip here and there hints as to the utter misery of some of the ruined Bishops.

The Assembly had now given its decisions; there remained the public proclamation of the sentences, for nothing was to be done in a corner. Sentence had to be pronounced at once. Any day Hamilton might strengthen Edinburgh Castle and so it was necessary for the Assembly to be quick about its business. Loudon put the matter simply enough. There was no likelihood of any of the recalcitrant Bishops appearing before the Assembly; but there was great danger of interruption and so it was good to make use of the occasion which God of his great mercy gave of ridding the Church of them. The delay of such a good work was perilous. He voiced the opinion of the Assembly by suggesting next day the 13th as the time and the Cathedral Church as the place for the sentence to be pronounced and no one was more fit for the task than the Moderator himself. Henderson protested that there was no precedent for the Moderator so acting but the Assembly would take no refusal. They desired him to deliver

(1) Diary 22. Entry for December 17th.  
(2) See 157. - History of Glasgow.  
a - Sermon (3) Peterkin 173





sermon at ten o'clock and <sup>150</sup> then proceed to the excommunication

(1)  
It was drawing towards night by this time but the Clerk "did  
reade over all the sentences that were to be solemnly pro:  
nounced against the Bishops that next day.

( vi). The Excommunication of the Bishops

(2)  
Next day the Cathedral was crowded with those who desired to be spectators of this terrible and unique event. The usual places were reserved for members, Wemyss, Burleigh, and Sinclair acting as ushers, to grace the occasion we may imagine. The Sermon was fixed for then but the preliminary exercises began at eight and were so conducted as to raise the ire of many of the members, all on edge with the strain and the excitement as they must have been. The Town Reader, James Sanderson, either deliberately or by uncanny chance, chose as his lesson the exceedingly appropriate if tactless one of the sixteenth chapter of St. John with its, " They shall put you out of the Synagogues; yea the time cometh that whosoever killeth you will think that he doeth God service ". Ramsay impatiently bade him cease and ordered him to read the chapter which deals with the duties of Bishops and the power of excommunication. The interruption is an indication of that disregard for decency and order that had jarred upon men so opposite in their outlook as Baillie and Hamilton. Ramsay had no business to interfere. With a grudge the Reader obeyed, He was equally appropriate though not any more tactful in his choice of a Psalm, taking the fifty first and the words,

O Lord consider my distress

And now with speed some pitie tack

but the singing went on without interruption. Sanderson asserted that there had been no ulterior motive behind his choice but one question's James' veracity; perhaps he had a sneaking fondness for the Bishops and a great sympathy with them in their misfortune, and so took this method of displaying his feelings. That such appropriateness both in Psalm and lesson should be due to chance, puts a strain upon even the will to believe.

(1) Gordon 3/89.

(2) This account is taken from Gordon. 3/90 v. The Sermon from Peterkin 174-180.



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Henderson had a hard part to play. There was little time to prepare a sermon but he had "no remedy". No man could have envied him his task. It was a good and learned sermon, Baillie judging, and lengthy, Gordon's allowance of an hour for it, being on the scanty side, if it was delivered in its printed form, "The Bishops' Doom". The text from Psalm 110 "The Lord said unto my Lord, Sit thou at my right hand until I make thine enemies thy footstool", promised no mercy for the Bishops. It is a typical sermon of the period with divisions and subdivisions and no injustice is done to Henderson if today one finds it in part tedious and irrelevant, though at every turn shrewd blow after blow is dealt to the Assembly's victims. "How many have rather gotten the Kirk given them than they have been given to the Kirk for the good thereof." Beloved it is now counted jarring contention and a turbulent humour for men to refuse subjection to every superior's please to command; but ye may see clearly what is obedience and what is disobedience. It is not obedience to follow the humours of men that goes out of this line, but this is obedience when they obey them that are above them in the line.....If they be our lawful superiors, look that their commandments be lawful; for in so far as their office is unlawful, they go out of the line and if they be unlawful superiors we owe them no obedience and this day's work is to delete the names of such superiors out of the line. "Ye will find that seldom or never almost does our Lord speak of his Cross unto his Apostles and disciples, telling them that he is to suffer, but they propound the question, What place shall we have in Thy Kingdom?, imagining an earthly Kingdom which surely was a prognostication that the ambition and the pride of Kirkmen should be the greatest enemies that ever the Cross of Christ should have." I am sure that those that have not seen Assemblies before will understand how profitable this Assembly is to our Church, when every man is heard patiently till he speaks his mind and this is the contribution of every gift in a nation, making up a composition of an Assembly. Let it be



judged by any man <sup>152</sup> whether the Episcopal power be likest  
God's own order in his house and I put no question but the  
Kirk of Scotland will be found to be the Church of Christ  
and the anti-christian Church will be found to acknowledge it.  
He boldly meets the charge that Presbytery is anti-monarchical  
and disorderly. Presbytery may stand with monarchy as the  
College of Justice, the Council or any other Judicatory" yea  
in all these there is parity but it occasions no confusion "  
As he drew near to a close, the attack upon the Bishops  
became more clear and definite. The Bishops were the greatest  
enemies Christ had in his Kingdom. They were the friends of  
Anti-Christ, of the Anti-christian Church, of Rome itself;  
they harassed the true people of God, ridiculing them, mocking  
them as Puritans; they were the friends of the world but not  
of Christ, preferring to be hangers on of the nobility and  
the Court than the earnest catechisers of landward people.  
"And thus, as before they followed the lust of the eye and  
the pride of life, so now they follow the lust of the flesh.  
And it is these three that have made so many ministers to  
become unprofitable and rotten members, such as these men are  
whom we this day are to cut off. But time being spent I will  
proceed no further but go on to the pronouncing of the sen:  
tence of this honourable and venerable Assembly against  
these pretended Prelates". From such extracts one can see  
that Henderson had not escaped from the toils of that illus:  
ion which leads men to believe that those who differ from  
them in opinion are necessarily evil men and that all  
goodness and truth and honour are the possession of the party  
of the speaker.

For the benefit of those who were unfamiliar with what  
had taken place in the Assembly, Henderson read a paper "at  
the hearing whereof I think your heart shall quake and  
your hair stand on end and your flesh creep when ye hear tell  
that Christians let alone Churchmen who reckon themselves the  
chiefests and most eminent men in the Church should have





fallen out in such acts as these are ". The Narrative which was to ensure results so alarming was read out by the Clerk. It summed up all the charges that had been made against the unhappy Prelates , real and unfounded, justified or mere gossip and slander , down to their profane speeches and excessive gambling , and not forgetting their extreme contempt of the Church and their declining and protesting against the honourable reverend , and duly constituted Assembly. The Assembly's sentence was then read in which Mr Alexander Henderson is charged to pronounce the excommunication and all the Kirks of Scotland to intimate its fulfillment . Henderson is not guilty of the charge of lengthening out the agony. We went on to discuss for half an hour , the necessity for and the power of the sentence of excommunication . It was scriptural; it had precedents from the day when Adam was cast out of Paradise and it was necessary " And truly if the Lord had directed to another remedy for these men , the Kirk of Scotland would have been glad to use it , but there is no other known mean to keep them from <sup>the condemnation of</sup> the devil , for the mortifying the flesh and the saving of their souls than this ". Before the dread moment when the sentence was to be pronounced , the preacher invoked the divine blessing . Whether it was due to the solemnity of the occasion or to the effect of his sombre eloquence, the fact remains that the congregation was moved to the depths.; so deep and touching was their concern that as the awful moment drew near , the amanuensis could not transcribe in full the fervent prayer. Prayer ended , there was no more delay ." Since the eight persons before mentioned, have declared themselves strangers to the Communion of Saints , to be without hope of life eternal , and to be the slaves of sin , therefore we the people of God assembled for this cause and I as their mouth , in the name of the eternal God and of his Son Jesus Christ , according to the direction of this Assembly , do excommunicate the said eight persons from the participation of the sacraments , from the communion of the



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visible Church and from the prayers of the Church, and as long as they continue obstinate, discharges you all as ye would not be partakers of their vengeance, from keeping any religious fellowship with them; and thus I give them over into the hands of the devil, assuring you in the name of the Lord Jesus Christ, that except their repentance be evident, the fearful wrath and vengeance of the God of Heavens shall overtake them even in this life, and after this world everlasting vengeance. ". The lesser sentences against the other six were also read and the Moderator's heavy task was over, his strength " being now outwearied " and with a brief appeal to his audience to take notice of the fairness and justice of the Assembly's action, he brought the memorable service to its close.

What are we in modern days to make of this terrible sentence, thundered out by order of the Church. If Henderson believed in what he was saying, (and no man can doubt his sincerity) and if the fearful wrath and vengeance of God would follow hard upon the sentence, then its pious savagery is as fierce as anything that could be alleged of the Episcopal oppression real or imagined that had preceded. If a man were punished with everlasting vengeance, because he could not see his way to repent of being a Bishop and of refusing to acknowledge the lawfulness of the Assembly, in such a case the punishment seems out of all proportion to the crime. What makes it worse is the assumption that the Assembly was actuated by nothing else but care for the eternal welfare of their victims .... (nothing else than this course of action could keep them from the condemnation of the devil). It is the same spirit as actuated the Inquisition but it is no more admirable in the hearts of anti-popish Covenanters, than it was in the hearts of the Roman Inquisitors. Less worthy motives had a share in the transaction than care for the eternal welfare of the victims. Henderson might declare that none would be more willing than they to receive the culprits back into "the society of the saints", but his sentence put an

(v) Peterkin 180 ~



end at once to all hope of compromise or surrender and sowed the seeds of future trouble. It was driving the nail in to the head.. And yet strange to say there were for the moment few hostile critics" Few or <sup>(1)</sup> none did or would be seen to show re: sentiment thereof among the beholders for aught that could be remarked ,except some of the more ignorant who are amazed at novelty; and many were present who were much rejoiced at it ,as the most glorious solemnity that ever they had seen". It is true that later voices were heard to hint that the anger of the Assembly had blazed fiercest against those who had been real Bishops ; the others who had nothing of the Bishop about them but the title and the revenue ,were more gently handled. But the prevailing note was one of joy and men like <sup>(2)</sup> Johnston had a sense of fierce satisfaction when they saw these traitors to God and man, the enemies of the Church and Kingdom, get justice done upon them by their deposition and excommunication. But even Baillie, a gentler soul, was uplifted with admiration at the power and justice of God who can bring down the highest in the world <sup>3</sup> "suddenly by a means altogether unexpected ,who will sin against him proudly with an uplifted hand " And yet he could not but be sorry ( an emotion for which there was no room in Johnston's heart ) as he thought to what depths ambition and avarice had brought gifted and eminent men. In their fall was a warning for men to be lowly and obscure for in lowliness and obscurity lay safety from the snares of the devil and from ruin.

The Assembly had by this time done a good days work ,the echoes of which were to reverberate for many days to come. They might well have adjourned with no discredit to their diligence But by two o'clock, they were back at business. The Session opened with a prayer of thanksgiving to God for the good the Church that day had received; but any business done could not but be an anticlimax. The Earl of Wigton intimated through Montrose his readiness to come before the Assembly and give it all satisfaction <sup>(4)</sup> Sentence was passed upon Dr Hamilton's the Bishops' procurator .He could receive no mercy. " Since the tree is cut down ", said the Assembly humourist, let the woodbine fall with it and be buried. Scotland was now no place for Bishops or for Bishops men.

(1) Gordon 3/90. ✓ (4) Petition 181.  
 (2) Gray. 402. ✓  
 (3) Baillie 167.





VI. REBUILDING THE WALLS OF JERUSALEM      THE THIRD PHASE

With the deposition of the Bishops , the abjuration of Episcopacy and the nullifying of the Assemblies that had given Episcopacy its sanction , the interest of the Assembly grows less. But members had still before them a busy week during which they rushed through a series of Acts, some of them trifling but many of great importance. The main problem before them was now clearly defined . In Stevenson's expressive though partisan phrase , they had done much to remove " the rubbish of former defections <sup>(1)</sup> "; their business was now to establish or restore in its fullest integrity , the system of Presbytery as it was adumbrated in the Book of Policy. Until that system was restored, several Commissions were appointed to discuss Complaints and Libels given in against ministers..... a most efficient way of purging the Church of all dissentient opinion. " If the Church were well established in her own power and jurisdiction ", explained Henderson <sup>(2)</sup> , " there could be no need for such Commissions ; therefore let us labour to get the ancient jurisdiction of the Kirk restored to its full power .....for the Generall Assemblies cannot give to the Commissions to consider new processes ,but such as they cannot conveniently decide themselves and in such parts of the country where Provincial Assemblies cannot be had <sup>" "</sup>. We have been treating hitherto of matters of very great importance ; howbeit ,it has been only a primitively sort of dealing and now we are to fall upon positive Acts . Therefore I will entreat you to renew your former patience in waiting upon a comfortable conclusion to this work ; for having banished out ane evil order , if we labour not for ane good order , it may justly be said , that ane evil order had been better nor none". The Assembly responded to his appeal. Their last week's work from the 14th to the 20th December is a tribute to their industry.

But while they faced up to this big problem , a host of minor

(1). Stevenson 339.

(2) Petition 187.



matters engaged their attention . More of the "rubbish " was removed by the trials and sentences of many of the keen anti-covenanters among the Clergy, among the number <sup>George Wishart</sup> ~~is~~ the biographer to be of Montrose . Considerable time too was occupied by the transportation of ministers from one parish to another , regardless of the rights of patrons and the wishes of incumbents . Several of the leaders were so " transported " . Henderson himself was of the number . St Andrew's and Edinburgh wrangled for him while Leuchars was loath to let him go . He had no desire to be moved . In other tones than those in which he had communicated the Bishops , he told them <sup>(1)</sup> that he had been for twenty four years minister at Leuchars and now that he was an old and withered tree , it was a pity to transport such an one lest it should bear no fruit . He was willing to do his utmost for the Kirk of Scotland , but he was sure that for him, Leuchars was the most sensible place . The Commissioners from <sup>(2)</sup> Edinburgh were peremptory . They claimed the right to transport any minister in the Kingdom; they were the centre of the land and its most learned auditory ; their presbytery was ever considered the most prime in the Church ; they were most exposed to danger and so required the ablest of ministers . The very weight of these reasons seemed to Henderson a sound reason against his going to Edinburgh . The matter was left in the hands of a Committee . The Committee were unanimous that he should be transferred to Edinburgh , " in view of the present <sup>(3)</sup> necessity " . The vote was taken, Henderson having left the Chair insisted that unless there was <sup>(3)</sup> a clear majority, he would not consent to be moved . Edinburgh gained the day over St Andrew's by a majority of 75 and the result was intimated to him . He accepted but his acceptance was couched in terms of great humility , worthy of the real greatness of the man . I will entreat you to <sup>(3)</sup> join with me " , he said " in your desires to God for a blessing upon my labours that are weak and with: all I beg of the Assembly that if weakness of body or mind

(1) Peterkin 182.  
 (2) 26- 183.  
 (3) 26 186.

The Act of Assembly read de novo & reheard.

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shall come upon me shortly , I amy have liberty to return to  
Some private place ". Henderson's removal to Edinburgh was in:  
:evitable but Johnston,s intriguing hand was the deciding in:  
:fluence that removed him from Leuchars. He was glad to see the  
" Lord assisting me <sup>(1)</sup> hou to guyde Mr Alr. Henderson's trans:  
:plantation so as it was doone : blissed be the naime of God  
quho had poynted him out as the man he called to that publik  
place , and quhos transplantation or not I took as ane pro:  
gnostication of the durableness or not of this work of God  
in that citie of Edr. as in this land ".

Monday December 17th, the 23d Session saw many things  
done. The whole Acts of the Assembly were read de novo and all  
of them were ratified. Baillie had outside business that morn:  
:ing, a very interposition of Providence, he thought as by his  
absence hewas saved from making once more his protest against  
the abjuration of Episcopacy and the Five Articles," to no  
purpose but mine own trouble ". It would seem as if Baillie's  
absence must have been connived at . To this and the following  
day belongs the report of the Committee of Lyon of Auld~~er~~.r.  
Its report was to the effect that laws enough had been found in  
the old records of the Kirk , to make the passing of new~~er~~ laws  
unnecessary. It was decided to re-enact the ancient laws though  
such was the pressure of affairs in the days that followed that  
when Baillie was writing from Duns Law in June of the following  
year ,he lamen~~st~~<sup>(3)</sup> that they had never been put into execution.  
The list of ancient laws is a formidable one ; it is to be  
feared that the jaded Assembly must have done little more than  
take the list as read ,so one would infer from the couple of  
lines in which Baillie dismisses it. But first of all an inter:  
:esting and important New Act had been passed ( on the 14th  
according to Gordon, on the 17th according to the Records of  
the Acts of Assembly ), to the following effect.

(4)

Concerning Kirk Sessions ,provinciall and nationall Assem:  
:blies , The generall Assembly .....clearly recognising the  
benefit which will redound to Religion by the restitution of

- (1) Diary 403. ✓  
(2) Baillie 170 - He had already become a "sour plum" to the de hard - 166 ✓  
(3) 26. ✓  
(4) Act. Sessm 21. Dec. 17 - Deferment 34 ✓



But the Covenanters with academic remonstrances

The Fabric of the Constitution

the said Judicatories<sup>1589</sup>, remembering also that they stand obliged by ~~the~~ their solemn oath and covenant with God, to return to the doctrine and discipline of this Kirk, as it was professed 1589, 1581, 1590, and 1591, which in the Book of Policie..... is particularly expresst both touching the constitution of the Assemblies, of their members, ministers and elders, and touching the number power and authority of these members in all matters ecclesiasticall. The Assembly findeth it necessary to restore and by these presents restoreth all these Assemblies unto their full integritie in their members, priveledges, liberties, powers and jurisdictions as they were constituted by the foresaid Book of Policie ". By the passing of this Act, it was clear that Presbyter was once more the constitution of the Church and no longer Episcopacy.

The list of the old laws is interesting for the light they shed directly and indirectly upon the religious life of the country at one of its formative periods. It is also interesting as an example of the thoroughness with which the leaders of the Assembly strove after the efficiency of the Church.

(1)  
I. The system of Presbyteries erected in 1586 was approved together with the erection of new Presbyteries in Argyle.

II. Presbyteries were to meet weekly, fortnightly at the longest; once a month some controverted point of doctrine was to be discussed.

III. Presbyteries were to make an annual visitation of each parish within the bounds and to note in particular the state of family worship and the means of catechising and instructing the (young.

IV. Ministers of Kirks and Masters of Schools and Colleges were to be tried by a Commission of Assembly as to their "judgement abilities and conversation".

V. Non-residence of Ministers was strictly forbidden.

VI. Every landward parish was to be provided with a school, "the lack whereof doth greatly prejudice the growth of the Gospel".

VII. Presbyteries have the right to choose their own Moderators and to admit ministers.

VIII. A Commission of Assembly was appointed to deal where necessary.

Acts. Session 23. M. December 17-18. October 34-38.



ary with the bounds of <sup>160</sup>Presbyteries and parishes.

IX. Acts of Assembly <sup>(1)</sup>, May 24th, 1595, were renewed in all their particulars as to the entry and behaviour of Ministers. ( These Acts deal most rigorously with all likely corruptions in office and in life ; they keep the minister rigidly in the right way.)

X. Presbyteries and Ruling Elders in particular were exhorted to see that parishes which sent Commissioners to <sup>any</sup> the Assembly met the expenses of such commissioners ... ( This matter had first been raised out of regard for members of Assembly who came from the far ends of Scotland, Loudon with <sup>(2)</sup> no uncertain voice declared it fit that Elders and the Parishes should bear the burden of the expense ).

XI. Strict measures enjoined for the conformity of Papists, Jesuit and Priests.

XII. Frequent celebration of the Lord's Supper urged, the charges to be met out of the day's collections rather than that the Congregation should want the more frequent use of the Sacrament.

XIII. Only in exceptional cases were ministers to be admitted to a charge before the age of 25.

XIV. The Convention of Burghs was left to deal with a proposal to change "Mercat" days from Saturdays and Mondays, days which entailed "intollerable profanation of the Sabbath Day."

XV. To avoid profanation of the Sabbath, an old Act was revived which ordained two diets of worship

XVI. The Act of 1569 threatening excommunication against those who kept company with excommunicated persons was also revived... a necessary step if the Church was to be thoroughly purged).

XVII. Criticism of the Confession, the Assembly, or any Act of Assembly was made censurable by the Church.

XVIII. The position of Collegiate Ministers to each other, and of the Moderator to his Kirk Session, is clearly defined.

XIX. All titles of dignity savouring more of Popery than of Christian liberty, are banished out of the Kirk.

XX. No minister or reader to be intruded upon any congregation contrary to the will of that congregation.

(1) It deals with "Corruptions in the office" and "Corruptions in their persons and lives".

(2) Peterkin 187.



XXI. Unless with a Presbyterial dispensation ,given only in some "necessarie exigents ", Proclamation of Banns must be the preliminary to marriage.

XXII. Those who wished to enter the Ministry were to be strictly tested as to learning, skill in language ,life and conduct.

XXIII. Funeral Sermons were forbidden and Presbyteries enjoined to check the practise of having interments in Churches.

XXIV. Provincial Assemblies were arranged in the order of the "ancient platform thereof".

XXV. The Minister of the place where each Synod met was to be the preacher of the first day of such Assembly ,and neighbouring Synods were ordered to keep in touch with each other by having representatives at each other's meetings.

These briefly are the materials out of which the wall of Jerusalem were re-built .They are <sup>(1)</sup>all fair and reasonable with the exception of two .No modern can approve of the law to enforce conformity upon Roman Catholics or of the law which was designed to burke all criticism of Confession and Acts of Assembly, but they are characteristic of the age and no member of the Assebly would ever have imagined that the former was unchristian and the latter stupid. There is some exception also to be taken against the law which forbade all dealings with excommunicated persons ,but that was a vestige of an older day and apart from it, excommunication would only have been so much stage thunder .The mischief went farther back than the law ; it went back to the belief in the necessity <sup>for</sup> of such a weapon.

The Assembly overlooked little. There was still hope that the Bishops who had only been deposed .might take advantage of this scant mercy ,to display that public penitence without which nothing could stop the enforcement of the extreme sentence. One slight concession was given to these unhappy men ,still to be feared in their low estate <sup>(2)</sup> " If any be near the point of death " said Henderson, giving expression to

(1) Articles xi & xvi

(2) Resolution 185



The Ministers strip themselves of Civil Place

the feeling of the Assembly <sup>166</sup>," and apprehending the terrors of God, let the Presbyterie loose them from the sentence., if they be ready to cry out with Bishop Adamson, Loose them, Loose them" This beggarly pittance of mercy was not taken advantage of by any of the Prelates nor could they have been expected to.

The last Session but one of this longsome Assembly was responsible for certain important decisions. The events of the past days had made the reconsideration of certain questions inevitable. Among such questions this was one, Might ministers sit as Justices of the Peace, or vote in Parliament, or sit on the Privy Council, Court of Session, or Exchequer?. It was not an academic question. From the King's point of view, it touched upon the very Constitution of the Kingdom. There were Three Estates of which the Lords of the Clergy formed one; but if there were no Lords of the Clergy, what of the Third Estate? That was a serious problem to the King and explains in part his clinging to Episcopacy. But to the covenanting party, holding above all things, the parity of ministers, the question appeared in another form. The Civil place of Kirkmen, to these democrats was at the root of much of the trouble. <sup>It was an evil to be removed.</sup> The Assembly debate was one sided, the ministers alone taking part in it and the noblemen whose dislike of the Bishops' pride of place had been one of the driving forces of the movement, wisely holding their peace. It required no promptings or threats from a jealous nobility to make the ministers ready to sacrifice all that their predecessors had acquired through the royal benevolence. Henderson stated what the position was from the early days when James expressed his wish to have the best and the wisest of the ministry appointed by the General Assembly to have place in Council and Parliament, to sit upon their own matters and see them done, <sup>(1)</sup> and not to stand always at the door like poor suppliants, despised and nothing regarded. He recounted the proceedings that had followed and the protestation <sup>(2)</sup> that had been made. "We deny not" he said "but it is re:

(1) Quoted Cunningham 1. 446

(2) The Protestation that Adam Bellenden had signed see p 145.



quisite that ministers be not far from Parliament, that if any case of conscience fall in Parliament, they may give their advice from the Word of God. But the question was, Whether the ministers should ride and vote in Parliament as Lords and Nobles? Their pretence at first was to vindicate the Kirk and Kirkmen from contempt and poverty, but we need not to doubt but our Lord will get us honour and respect enough, if we keep ourselves within the bounds of our calling and I am persuaded here is not a faithful minister but he will have more joy when he comes from catechising a number of landward people nor a Bishop has when he comes from riding in Parliament. And they thought to vindicate themselves from contempt and poverty but it is like both will now come upon them. From Henderson these words were sincere enough; the course he had adopted from the beginning of the struggle shows his disinterestedness; a Bishopric would have been a little thing for the royal party to pay as the price of his defection. Cant, Ramsay and Dickson, all pillars of the Covenant followed in the same strain, The Kirk had suffered much wrong by Churchmen enjoying civil functions. In fact nothing was more incompatible with a minister's calling, nothing set him worse, and nothing was more contrary to his Master's carriage "nor to be a Lord in Parliament". Caveats and Canons designed to restrain the holders of office were futile. "Ecrasez l'infame" There were only two dissentient voices in the vote which decided that it was both inexpedient and unlawful in this Kirk for ministers "separate ~~from~~ to the Gospel \* to bruike any civill place or office qwhatsomever". There can be no question that this decision was one of magnanimous selfsacrifice. Whether, however, in coming to such a decision the members of Assembly were not martyrs by mistake is a question on which two opinions may be held. Henderson's claim that it was enough if ministers were at hand to give their advice to Parliament on matters of conscience or where the Kirk was concerned, looks

① Peterkin 187.

② This suggestion that the Bishop had not been earnest in Catechising, comes up more than once.

The Commission of the Assembly

168

well enough on paper - and may have a certain amount of justification in the subsequent history of the Church of Scotland. But the natural tendency is for any body or organisation to be ignored that is not in a position to exercise pressure by its voting power. As it happened for several years after 1638 the Church was in a position to exercise such pressure. Members of Parliament were many of them lay members of Assembly and to make assurance more sure. a Commission of ministers, noblemen and barons were appointed to represent to the coming Parliament due in May all the grievances of the Church and to see nequid detrimenti<sup>(1)</sup> ecclesia caperet. " We cannot think ourselves secure in peace and quietness till civil authority ratify what is here done by ecclesiastical constitutions" said Henderson. To ensure that end laymen were urged to give their assistance. " Thus was the foundation laid of that extravagant church judicatory...which in the following years grew so troublesome to the state that by their means the Church which before had but fourteen votes in Parliament did usurp a negative vote in Parliament, as was clear in the matter of the Engagement anno 1648. We will see this Judicatory which here appeared but looked like a cloud the bigness of one's hand, in the years following, covering the whole heavens and grown formidable to those who without any jus divinum for promotion of selfish interests, had created it." For the time it would seem that Scotland had escaped from the Scylla of Bishops in Parliament, only to fall into the Charybdis of an Assembly Commission which called the tune to which Parliament had to dance.

With the close of the Assembly drawing near, the time for compliments had arrived, and the lay elders were the chief recipients. They had been the stay of the Church and the driving power behind its policy. In the past the nobility of Scotland had not been men from whom the Kirk could look for much. " He would have been a foolish man that could have looked ed.

(1) Gordon 3/99 ✓

(2) Peterkin 188. ✓

(3) Robertson's closing speech. Peterkin 191.



The Closing Day

for such things from <sup>169</sup> nobility". But selfishness, piety ,  
 jealousy and patriotism had knit them together in defence of  
 the Covenant and of the Assembly. If the actions of the Assem:  
 :bly were praiseworthy , the elders deserved their share of the  
 praise . They had helped forward <sup>(1)</sup> the cause of Religion; they had  
 helped forward the cause of God . Never had they been present  
 in an Assembly since the Reformation when they had not done  
 good; the lack of them was a source of weakness to Presbyteries  
 I<sup>u</sup> the present Assembly their good disposition had conduced  
 to a great deal of noteworthy harmony . And much more to the  
 same purpose. The great fight had been won. The Elder had resum<sup>ed</sup>  
 his place in the Councils of the Church , carried there on the  
 full tide of favour , and the Assembly despising the taunt tha  
 whereas the Kirk had refused the yoke of fourteen Bishops , it  
 had now come under the yoke of many hundreds overruling them,  
 with one voice declared its approbation of that old order of  
 Ruling Elders.

It was on the 20th December that the Assembly met for  
 the last time, a blithe day for most , for the Assembly had  
 been longsome. Parish es had been neglected for a whole month  
 it was time for men to be returning to their ordinary tasks  
 and they returned with strict orders , to make intimation of the  
 close of the Assembly on the first Sabbath after their re:  
 turn and to desire their people to prepare themselv s  
 against the next Sabbath thereafter " not <sup>(2)</sup> for carnal festivity  
 but for a humble tha nksgiving ". Presbyteries were to receive  
 an Abstract and an Index of all the Assembly Acts , for insert  
 :ion in the Presbytery Books." Likewise the Assembly recommen  
 :deth to every Kirk Session , for the preservation of their  
 particular parish from the re-entry of the corruptions now  
 discharged , and for their continuance in the Covenant , to  
 obtain an extract of these Acts , especially if they be print:  
 :ed , seein<sup>(3)</sup>g their pryce will no wayes then be considerable"  
 Masters of Schools , Colleges, and Universities , who had not

(1). *Peterkin 188-9 ✓*

(2) *36 190 ✓*

(3) *Act Sessum 86. Peterkin 39. ✓*

## The Censoring of the Press

already subscribed the Confession, were commanded to subscribe according to the interpretation put upon the Confession by the Assembly. As for the Covenant lately urged by His Majesty's Commissioner in which Episcopacy<sup>(1)</sup> was declared to be compatible with the Confession, the Assembly by its ecclesiastical authority prohibited and discharged any member of the Kirk from swearing or subscribing to the Confession according to such an interpretation "so far wrested to a contrary meaning", under pain of ecclesiastical censure. On the other hand all were called upon to subscribe the Confession with the Assembly's declaration. Presbyteries were also enjoined to seek out all who were "scandalous and malicious"<sup>(2)</sup> (that is, those who refused to acknowledge the Assembly), especially those about Aberdeen, and to visit them with ecclesiastical censure according to their malice and contempt.

A very dubious step was also taken. The Covenanters while in no way considerate of the feelings of those who stood for Episcopacy, disliked the attacks made upon them and their proceedings in the Assembly. Great prejudice had been sustained by the Kirk in past years from the unwarrantable printing<sup>(3)</sup> of labels, pamphlets and polemics which infected and disquieted the mind of God's people. The remedy for such an abuse was simple and drastic. Section XVII<sup>(4)</sup> of the Act of Session 23 and 24, had forbidden all criticism of the Confession and the Assembly under pain of the censure of the Kirk. A further step was taken. The Press was to be muzzled. It is possible to attach two interpretations to the Act for the censorship of the Press. The King considered it "a pretty Act that he might print nothing concerning ecclesiastical polity and Government except Johnston should give his leave". Baillie on the other hand declares that the Act gave authority to the Clerk to do nothing more than to inspect any such treatises as concerned the Church Registers. "The youth" understood no more. What the youth did understand is not made very clear in the terms of his own Diary where he notes that

(1) Act Session 26. Peterkin 40. ✓ (2) Declaration 323.

(3) Peterkin 39. 1784. ✓

(4) 26. 39. ✓

(5) Anti page 160. ✓

(6) Baillie. 1750.



that God's Providence<sup>171</sup> was shown " in remembering to maik an  
 Act anent printing for the Kirk's use and my benefyte ". Did  
 we see in the measure a source of income for himself and for  
 his scanty resources out of the fees that would have to be paid  
 for his inspection and approval?. Both Baillie and the King can  
 justify themselves from the actual words of the Act. " The Assem<sup>(2)</sup>  
 :bly unanimously by virtue of their ecclesiastical authority  
 dischargeth and inhibiteth all printers within the Kingdom to  
 print any Act of the former Assemblies , any of the Acts or  
 Proceedings of this Assembly , any Confession of Faith , any  
 Protestation , any reasons pro or contra anent the present div:  
 :isions and controversies of this time or any other treatise  
 whatever which may concern the Kirk of Scotland or God,s cause  
 in hand , without warrant subscribed by Nr Archibald Johnston,  
 Clerk to the Assembly and Advocate for the Assembly ( he had  
 been appointed Advocate on the 18th ), or to reprint without  
 his warrant any Acts or treatises foresaid which he hath caused  
 any other to print , under pains of ecclesiastical censure ... , ...  
 Whereunto also we are confident the honourable Judges of the  
 land will contribute their civil authority ". As it stands the  
 Act has an ugly ring about it . But its merits or demerits would  
 lie in the application of it. If it means no more than that  
 no document could be looked upon as the Church's statement of  
 her case, unless it had Johnston's imprimatur , there is something  
 to be said for it. Johnston had all the official documents in his  
 keeping ; outside copies might well be garbled and inaccurate , and  
 in an age of unlicensed ecclesiastical controversy , the Kirk  
 might well be pardoned if she strove to secure that her case was  
 set forth in accurate official form . We have noted that Baillie  
 saw little more in the Act than that . A universal censureship of  
 the Printing Press was in his opinion absurd and futile. If  
 Johnston had any such notion in his head, " it would soon be re:  
 medied ". But if the Act meant no more than what it meant to  
 Baillie, it is extremely ill drafted. From such labour , the  
 mouse is absurd indeed.

① Drury. 404. ✓

② Act Assm 26.

DeLaurie 39. ✓



New Terms of Subscription to the Covenant

Another step was taken, <sup>172</sup> designed to put an end to a long controversy, but in itself a defiance of tradition and of the King's claims. The date of the next meeting was fixed for the third Wednesday of July 1639 and the place Edinburgh. The struggle for this Assembly had been so fierce and during the struggle issues of such far reaching character had been raised that members were determined to take this practical method of showing they were in earnest when in so many of their pronouncements they had asserted the right of the Church to call an Assembly when and where they pleased. "We find it necessary", so runs the Act, "to declare that by divine, ecclesiastical and civil warrants, this National Kirk hath power and liberty to assemble and convene in her yearly Assemblies and oftener pro re nata as occasion and necessity shall require". But to show they were not unreasonable, but prepared as far as they could to go hand in hand with the King, they enacted that if the King did indict a General Assembly, Commissioners were to keep the time and place indicted by his Majesty. This however was an Act of grace and did not affect the validity of the principle laid down. This was only to go back to one of the enactments of 1592. As it chanced the next Assembly did meet by royal proclamation, namely that of August 1639, held in Edinburgh. While many of the Acts of this Assembly come under the lash of the royal scorn in the Larger Declaration, this Act is left completely alone.

Before the end the nail was driven in to the head. The addendum to the Covenant in the light of which, subscription to the Confession was to be made, ran thus "The Article of this Covenant which was at the first subscription referred to the determination of the General Assembly and now being determined and thereby the Five Articles of Perth, the Government of the Kirk by Bishops being declared to be abjured and removed .... we subscribe according to the determination aforesaid. "There is no suspicion of compromise in this addendum. Baillie, and he was not alone in his belief, held that it imposed a needless strain upon subscribers and made the prospect of

- ① Act 26 Session 26 ✓ Peterkin 40 ✓  
② Act Session 26 ✓ Peterkin 40 ✓  
③ ~~David~~ Baillie. 176-7 ✓

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① Act 26 Session 26 ✓ Peterkin 40 ✓

② Act Session 26 ✓ Peterkin 40 ✓

③ ~~Dunlop~~ Baillie 176-7 ✓



Peace very dim. It did not affect himself ; he had already subscribed with another interpretation in his mind ; but he shrank from compelling others to bear a burden from which he himself was free. He was known to look with unfavourable eyes upon this addendum. Indeed he had communicated his thoughts on the subject to the "Right Worshipfull his assured Freind Mr Archibald Johnston". The abjuration of Episcopacy , he held, should never be pressed upon scrupulous consciences. He appealed to the Clerk to consult with Henderson and Loudon as to whether it was advisable at such a time to conclude a subscription to the Confession with such an abjuration. " If ye make such a conclusion, in my poore judgement, ye lay a ground to keep these unhappie disputations on foot in our Church for ever; ye lay on yourselves a necessitie of persecuting many a good man ; ye will make a division for the strengthening of the common enemy. In these my fears God grant I may be found idle". Johnston was not the kind of man to appreciate any such argument. All the way through he had been against anything like compromise. As a matter of fact there had been an attempt made to find a middle course of reconciliation. Argyle with a glint of sound statesmanship in his head had been planning for a new Covenant which none could hesitate to subscribe . But to Johnston's great joy , this effort was rendered nugatory by the publication of the royalist Explanation of the Oath and Covenant with its plea for Episcopacy , and by the Proclamation dated Whitehall December 8th and published in Edinburgh on the 18th , which amongst other things declared the Assembly an unlawfull meeting. After that , there could be no defection from the Covenant and the Confession with the addendum was put to the vote. Baillie was prepared to dissent as he had dissented before but Loudon that skilful if not too scrupulous strategist anticipated him by the simple device of getting the Clerk to omit Baillie's name when the roll was called. The Declaration magnifies the incident " Perceiving that the omission of his name was purpose ly

- (1) Baillie 176-7. ✓
- (2) Johnston Diary 404. ✓
- (3) Declaration. 327-37. ✓
- (4) H. 325. ✓





done, he durst stir no more <sup>174</sup> in it for fear of public envy and some private mischief which might be done him ". Baillie himself admits that he lost favour through his obstinate attitude while his indignation against Balcanquhall's <sup>(1)</sup> "busie fleas", is an indication of the fact that in his own judgement he had not come out of the test with flying colours.

The last Act of all was <sup>(2)</sup> an ordinance for a humble Supplication to be sent to his Majesty. This is a characteristic production. It is based upon the not at all self evident assumption, that whatever had been done by the Assembly could not but win the approval of the King, if only the truth could be laid before him and his ears saved from being poisoned by the "crafty malicious dealing of their adversaries". The King was sure to sympathise with them; it was hostile counsellors who were working the mischief. It is hard to say whether this attitude is a piece of diplomatic hypocrisy or a sincere illusion. Certainly there is an extraordinary contrast between such language as "We were confident to have gained your Majesty's Royal approbation to our ecclesiastical constitution and conclusions, knowing that a truly Christian mind and royal heart inclined from above to religion and piety, will at the first discern, and discerning, be deeply possessed with the love of the ravishing beauty and heavenly order of God's house (such they imagined to be the graces of the Presbyterian organisation) and the language of the Proclamation of the 18th in which the Assembly and all its works receives anything but approbation. The Supplication is composed in the floweriest of strains, not a little rhetorical eloquence being seasoned with subtle flattery of the King. Stripped of all its verbiage, its substance is this. They were thankful for the indictment of the Assembly; all along they had prayed for blessing upon the royal government; throughout the Assembly they had carried themselves with such befitting order, moderation and loyalty that the King himself would have approved of all their actions

(1) Baillie 174. v

(2) Peterkin 41-42. ✓

Closing Speeches

- Henderson

But the King's Commissioner had been a stumbling block. From the very beginning he had tried to limit the Assembly and that against the royal intention; he had criticised every action on their part as if they had intended any prejudice to the good of Religion or to his Majesty's honour ; in the end he had endeavoured to break up the Assembly for no sound reason and contrary to his Majesty's most laudable intentions. In spite of such action on the part of the Commissioner , they had determined not to break up the Assembly, a resolution in keeping with what the King had indicated in his Proclamation ; in all this they had acted as if the King's eye had been looking upon them. They knew they would be slandered but they put their confidence in his wise and princely mind for " Vertue possesseth herself in noble and royal hearts where base calumnie cannot long find place ". " We humbly beg and certainly expect ", was the conclusion " that from the bright beam of your Majesty's countenance shining on this your Majesty's own Kingdom and people , all our storms shall be changed into a comfortable calm and sweet sunshine and that your Majesty's ratification in the ensuing Parliament shall settle us in firmness and stability in our religion ". In addition to this ingenuous supplication, a still more ingenuous letter was drawn up and sent to Hamilton , asking that by his favour their petition might find access to the royal hands . As it chanced Hamilton, after some delay did present the Supplication with its unflattering portrait of himself. The King's answer was as might have been expected. " When they have broken my head they would put on my cowl " .

There was no further business and the Moderator delivered a closing address, one more cognate to the Assembly than the ornamental productions of many of his successors. He had a great theme to handle . They had defied the King; so far as they could they had flung thirty years of their Church's history upon the rubbish heap ; they had restored the face of the Kirk. And Henderson was not unworthy of his great theme. He began by



by recounting his reluctant<sup>126</sup> to accept the high office which had been thrust upon him. His bashfulness made him the last man in the world for such a task. But it was all to God's glory. The work had begun with weak instruments; with weak instruments the work had been brought to a close. They had all been instruments used by God and all had been diligent and faithful. First he thanked the noblemen, the chief instruments for the doing of the work, thanked them for the pains and hazard and expense to which they had put themselves for an enterprise out of which worldly beauty and contentment were not likely to be won. Next he thanked the King for indicting the Assembly; last of all his thanks went out to God himself. "And truly poor Scotland but rich in respect of the Gospel, may say that the Lord has loved us; yea there was never such a love heard tell of as he has borne to us... Our sun was almost set at noon and we would surely have died in darkness except the Lord had appeared and made his light to shine".

He proceeded to trace the movement from its humble beginning till it held in its grip the hearts of men of all ranks. Even the adversaries had fought for them. "They have wrought more for our ends than our own prudence has done. When our courses failed us, their courses promoted our intentions." God had worked through them. His hand was to be seen everywhere; in the royal indictment of the Assembly; in the stay of the Commissioner till the Assembly had been constituted; in the decision of the Assembly to continue its sittings against all fears; above all in their wonderful unity and in the comfortable conclusions they had reached. "We are like to men newly awaked out of a dream or like a man that has lyen lang among the irons who after they are tane off and he redeemed, he feels not his liberty but thinks his irons are on him still. So it is with us. We do not feel our liberty; therefore it were good for us to study to feel the bounds of our liberty wherewith Christ has set us free".

Once more he returned to the theme of thankfulness.

They were grateful to the King under whose peaceful protection they had been enabled to convene. Two things he urged; first that





no matter what happened prayer should be made for the Sovereign the Supreme Magistrate and that in all their preaching they should recommend him to ~~God~~ the people . In the second place they should pray G<sub>o</sub>d so to enlighten the King's heart that he would come to a proper understanding of the proceedings of the people of Scotland . The King so enlightened would be sure to think well of their proceedings and would in due time grant them his royal approbation and ratification.

The Nobles Barons and Burgesses too were worthy of praise He was not to excuse their former backslidings but some of them had indeed deserved the title of nobility. They were the mountain tops first delivered from the deluge which made the little valleys hope to be delivered also. They were the western mountain peaks that caught the first rays of the rising sun. A few years back and none but a foolish man would have expected such things from them . The Ministers, too, were not to be passed over. The Assembly had been peaceable , the differences among them being inconsiderable ." It is a rare thing to see such harmony ; scarce has the like been seen in any National Assembly." (Henderson it will be seen adds a touch of gall to the honey of his compliments to his brethren). Last of all he thanked the City of Glasgow and its magistrates for all the arrangements that had been made and for all the kindness that had been shown. The "seats " had been extraordinarily commodious and the entertainment very good.

Parity has its drawbacks. Henderson's address had summed up the Assembly with feeling, imagination and eloquence. There was little more to be said. But even Henderson could not ignore some of his eloquent brethren who sat beneath with speeches trembling upon their lips. He desired some of the brethren to add a word of exhortation . The second "Archbishop ", David Dickson spoke to the point. They were not out of the wood. Every step they had taken in the past had been overshadowed by fear of what the King might do ; they were still under the incub of the same fear. The proceedings of the Assembly were sure to be

Argyle

criticised, and so he called upon all to work for unity among themselves and for loyalty to God. Ramsay after a rhapsody on the amazing and unexpected achievements of the Assembly, had something in a similar ~~ve~~ strain. "Let us not sing a requiem to ourselves nor yet be insolent in our carriage but behave ourselves wisely and prudently towards our superiors and though the Bishops be cast out, let us not be careless of authority but let our carriage be modest and our speech seasoned with grace. Let us be vigilant and not secure"; for a great and good worke such as this is was never brought to an end without opposition. The Moderator rose once again. He called on some of the Noblemen to speak, especially Argyle "whom we could have wished to have come in sooner". (Henderson did not miss words. This was a politic step. It meant that if Argyle accepted the invitation he pledged himself to stand by the Assembly; it meant also that an offended King might be balanced by the most powerful nobleman in Scotland.)

Argyle's speech was characteristic of the man, tortuous and involved, but stressing certain obvious truths with an unmitigable air of aristocratic superiority that might have been expected to jar, but yet did not seem to jar upon men who could not tolerate proud and presumptuous Bishops. He had been late in declaring himself upon the side of the Covenant, not because he had disapproved of it but ~~beay~~ because he had hoped by his delay to be of greater service to his country and to religion. The time had come however for him to do as he did or else be called Knave. Members of Assembly were urged to take warning from the fate of the Bishops who had been shipwrecked upon the rocks of pride and avarice, grievous faults in any man but most of all in a Churchman. There were three duties they must keep in mind. On duty to Superiors the Moderator had said enough; as far as equals were concerned he warned them against strife between ministers and elders. The elders were elders not to curb the ministers (here is a side glance at an insinuation that runs through much of the Larger Declaration and must have



been in every anti-covenanting mouth ), but for the good of the Kirk ; some of them indeed were not so wise as need were but all differences should be settled in a way that would bring no discredit to the Kirk. As for duties to inferiors ,ministers were bid study to know their duties towards their fock and people and to warn them against licence." We must not think that because we want Bishops,therefore we may live as we will ".

The speech is important not so much for its matter as for the fact that it was delivered . Argyle already occupies his commanding position in the movement ; so much is indicated when though he was no member ,he was asked to address the Assembly and could so address it in this superior fashion with no evidence of irritation on the part of that independent Assembly . It is important also for the plain comments made upon it by the Larger Declaration ,which are undoubtedly the royal opinions if they are not the royal words. The Pride and Avarice of the Bishops ,it suggests, are simply the names devised by aristocratic envy and jealousy for the dignity and place that the Prelates were achieving for themselves by their ability and for the efforts made by them to win back from the nobility the lands that were the rightful property of the Church.As for Argyle himself, he was open to the charge of doubledealing ."If it were true that by his own confession ,he carried things closely all the while for the Covenanters advantage ,he being then one of the Lords of the Privy Council , and that in the end he must openly go with them or be a knave ,what he hath proved himself to be by his close and false carriage ,let the world judge". That is certainly one interpretation of Argyle's policy ...a possible if not a generous one. There are slow moving natures ,able to see both sides of a case ,placed with a foot in both camps ,to whom sooner or later the moment of decision comes when they are driven to one side or the other ,mainly because it is impossible for them to be on good terms with both.





Of such slowmoving natures<sup>280</sup> Argyle was one. There is evidence that he would eagerly have welcomed a compromise . So much can be inferred from Traquair's letter of November 30th and from an entry in Johnston's Diary. But the driving force of Johnston's fanaticism and Hamilton's quite justifiable propaganda made compromise impossible and Argyle driven to choose ,chose whole heartedly for the Covenant , though what the dominating motive for the choice may have been lies locked up in that dark and tortuous mind . He may or may not have deserved the name of "Knave". But he had his revenge. This taunt was one of the causes that led to the condemnation of the Larger Declaration by both Assembly and Parliament in the following year ; a condemnation justifiable only on the ground that the cause of the Covenant was so sacred that no criticism of its adherents was to be tolerated, especially criticisms that came too near the truth to be comfortable.

When Argyle had finished ,Henderson thanked him ,and added one word more, a necessary word . He referred to the saying already on men's lips ,No Bishop, No King and urged them to show that a monarchy and presbytery were as compatible as monarchy and episcopacy. Let their loyalty be above all suspicion and the King would see that nothing had been done except under the inspiration of God and the driving of necessity. And then with prayer and praise the great Assembly came to its close. They sang the old Psalm which speaks of the pleasantness of brethren who dwell together in unity .They could not see into the future else their hearts would have been heavy with: in them at the prospect of the half century of disunion and of internecine strife that lay ahead. But for the moment they were one; in the name of liberty they had challenged and defeated a King and they might well return to their homes thanking God for their peaceable meeting and happy conclusions."

Steuenson 352. gives Henderson's closing words as "we have now cast down the walls of Jericho. Let him that schuldreich them beware of the curse of the Babelian"

Objection Episcopacy in Principle

## VII. OUR ADVERSARIES HAVE CONTRIBUTED TO OUR CONCLUSIONS.

No reader of the story of the Assembly of 1638, and no student of the covenanting literature of the period, can ignore the fact of the almost universal detestation directed against not only the office of Bishop, but against the holders of that office. Only when cognisance is taken of that detestation do the proceedings of the Assembly become intelligible. The war was a war to the death, nor could quarter ever be given. How is this deplorable state of affairs to be accounted for? Many explanations can be adduced, but even when they are all taken into account, something still remains that seems to baffle explanation. The detestation was wide spread. Layman and clergy alike displayed it, and none were more rabid than a section of the gentry and the nobility, a class that in more recent days of Scottish ecclesiastical history have turned their backs upon the Presbytery they did so much to restore, and have embraced that Episcopacy which, with almost uncanny unanimity, they hurled to the ground in ruins. Even in the ranks of the King's most favoured ministers of state, you find the unflattering outlook upon the Prelates. Traquair, the Lord Treasurer, took little pains to disguise his contempt, while Hamilton the High Commissioner himself criticises severely their pride and their folly, while he indicates that darker faults still might be laid to their charge. The sacred ark of Episcopacy found itself in the hands of men who could not but bring it to disaster.

Since the Reformation it is clear that there had arisen in the Scottish consciousness a dislike to Episcopacy, reasoning and unreasoning. Memories of the pomp and pride and highhanded action of the Roman Hierarchy has given to men's minds a bias against the institution. The simpler organisation of the Reformers, with its lack of show and display, appealed to a poverty stricken people; besides, and this is of the first importance, they had come to believe that the new organisation was the renewal of the primitive face of the Church, while Episcopacy was an innovation, a device of Antichrist. The supporters of Episcopacy were at the same time not always too happy/

(1) Burnet 31.

(2) Peterkin 113.

Character of Charles Bishops

happy in the methods they adopted to champion their cause. The strong  
 and of external authority is the least likely of any method to commend  
 a form of ecclesiastical organisation to a religious people, and Morton  
 with his Tulchan Bishops and James with his packed Assemblies had done  
 nothing to diminish but much to increase the aversion. The protestation  
 of the ministers to the Lords of Parliament in 1606<sup>(1)</sup> states that aversion  
 in unmistakable terms. Episcopacy is the ground of insufferable pride,  
 pitiless tyranny, and shameless ambition in the Kirk of God. The pre-  
 eminence of Bishops is that Dagon which once already fell before the  
 Ark of God in this land. They, the protestors, were able to prove, by  
 the grace of God, that this Bishopric to be erected is against the word  
 of God, and finally against the weal of all and everyone the good sub-  
 jects thereof, in soul body and substance. A document headed by the  
 name of Andrew Melville was not likely to be moderate in its tone, but  
 the fierceness of the invective, however unreasonable it may be, indi-  
 cates that a section of the community, perhaps the most typical Scots  
 of them all, not only detested but feared the Episcopacy that James  
 was set on introducing. And though by virtue of royal authority and  
 patronage, the building of Episcopacy seemed well and truly founded,  
 and though by 1638 it had endured for a round thirty years, during which  
 it had increased in wealth and dignity, the fear and the detestation  
 were not extinct. They only slumbered. Little was required to raise  
 them out of sleep.

It has to be confessed too that the men who in the reign of  
 Charles occupied the Cathedral seats did little or nothing to render  
 their cause more acceptable. We must not put too much stress upon the  
 strange farrago of disgusting charges brought against them by their  
 accusers. The charges were unworthy to be pressed by any <sup>great</sup> Assembly.  
 But the impression left is that if there was a wrong thing to do, or a  
 wrong way in which to do a right thing, the Bishops did it. Even their  
 well doing was liable to be spoken of in evil terms. Bishop Guthrie<sup>(2)</sup> may  
 be no reliable guide in this matter, but what he does say finds corro-  
 boration, and plenty of corroboration, elsewhere. For one thing, their  
 exalted position has removed them peculiarly out of touch with the great  
 body of the people. Their theology was Arminian; whatever the merits of  
 Arminianism may be, it was anathema to the Calvinist, and Calvinism

(1) See *Stewart* 90.

(2) See *where* by Guthrie.



They were anti-puritan

They had been chosen unwisely

still held Scotland in its grip. The notorious Libel accuses them of believing in Free Will, in the Universality of Christ's death, that the Pope was not Antichrist. We commend their humanity and tolerance in that they held such beliefs, but to the XVII century such beliefs were damnable and heretical points of doctrine. The truth is that in this matter at least they were in advance of their ages and they suffered accordingly.

They were out<sup>(1)</sup> of touch also with the puritan spirit of the day. The easy dealings of the Bishops with the Sabbath Day, of which the trial before the Assembly gives such ludicrous instances, might well be in keeping with Canterbury practice. They provoked horror in the North. This aloofness from the current of popular feeling was due in part at least to their contact with the court, and with that aspect of English culture, of which for the time being Archbishop Laud was the representative, and the inspirer. Such Southern culture as they absorbed was creditable to them; nevertheless it played its part in the indictment against them.

According to Guthry,<sup>(2)</sup> Charles himself was to blame for the isolated position in which the Bishops were to find themselves. James had been judicious in the appointments he had made to the Episcopal Board. Whenever a vacancy occurred, the Bishops were asked to draw up a list from which the King made his choice. This method of appointment made for outward harmony and unity, if it did nothing else. But Charles was more masterful, and lacked that shrewd insight into Scots character which his father possessed. He filled the vacancies as they occurred without any such formal consultation as had been familiar in the previous reign, and in consequence candidates had to rely for their success upon their skill in court intrigue. Even in the reign of James there must have been intrigue for the possession of the glittering prize of a Bishopric, but under Charles intrigue became more pronounced and vicious than ever.<sup>(3)</sup> The election of the last Bishop of Argyle shows the kind of thing that happened. The See was no sooner vacant than a number "loped" to their friends for recommendations to court, "yet three only could get themselves seated. Mr. Henrie Rollock

for/

(1) Baillie 429. for the close contact between the Bishops & the court.

(2) Guthry 158

(3) Baillie 6. ✓



for whom the Chancellor deals and many courtiers .... it were good he were a Bishop for then he needed preach none; he might eat, wear, play, and look as statelie as he now does without challenging<sup>4</sup>

(Baillie's covert criticism of Rollocks powers as a preacher stands out in contradiction to the admiration felt for him by Johnston).

"The next is the Dean for whom Rosse deals. The third is Dr. Munro who for that place is thought meetest, but has no hope because few friends at court. The The~~s~~aurer .... is for his old master Mr. James Fairley." Fairley though not on the leet was appointed though he was to sleep<sup>(1)</sup> but few nights in his Episcopal nest and was not well warmed in his Cathedral chyre whill both chyre and cuschane was taken from him.<sup>(2)</sup> There is nothing exceptional in such intrigue.

High place has at all times been saddled with such disabilities. But the result was that the younger Bishops with the exception of Maxwell, Bishop of Ross, a man of admittedly great parts, were generally esteemed unfit for the office. They were often at loggerheads<sup>(3)</sup> with the older men while, when the King wished for advice, it was to the younger men that he listened, for their views, being based upon his own, were most in sympathy with his own. Their advice was not always sound. In 1633 when the King brought before the Bishops the proposals that were to work such havoc, the older men advised caution, as the suggested changes were likely to startle the nation; Maxwell and his friends declared on the other hand that there was no danger. But later on even the aged Archbishop showed himself unable to read the signs of the times. He was certain<sup>(4)</sup> that a show of force would put an end to all the hostile combinations. It was dangerous advice, for the knowledge that the King meant to act upon it while all the time he showed a fair face to the Covenanters, more than anything else drove the Covenanters into the most uncompromising opposition. We have then an unpopular Bench of Bishops, where the wisest were led astray by the hotheads. And the accusation that was levelled against them was that they had misled the King. It was a fair and yet an unfair accusation. The King was not the man to take advice.

Out of touch with the great mass of the ministry and of the people/

(1) See Dray passim.

(2) Peterkin. 172.

(3) Guther 15.

(4) Baillie 51.

Their pride - high handedness

The Reforms and Novations

people, the Bishops found their actions liable to misconstruction while they took no pains by their way of living to show that many of the charges brought against them were ridiculous. They ignored and <sup>(1)</sup>slighted the ordinary minister, a dangerous proceeding in a country where parity amongst ministers had once been in vogue, and where in the opinion of many it was still the ideal. Consequently the pride and the ambition of the younger Bishops became more and more obnoxious with the passing of the years and with the aggrandisement of the Episcopal order. "Bishops I love," said Baillie <sup>(2)</sup>before the storm broke, "but pride, greed, luxury, oppression, immersion in secular affairs, was the bane of the Roman Prelate, and cannot have long good success in the Reformed." Now it may be disputed whether the Bishops could in fairness, <sup>so</sup>be charged; but there can be no doubt that Baillie was simply echoing the opinion current in many circles. The terms are of course general, and are the current coin of all Reformers who attack an institution with which they are out of sympathy. But something that could easily be construed into tyranny and oppression was seen in the Court of High Commission and in the forcing of the Service Books and the Book of Canons upon an unconsulted Church. The Bishops were indeed consulted; they might <sup>(3)</sup>claim and did indeed claim to be the Church, but the body of the clergy were ready to dispute that claim. What was proposed was something like a Revolution. <sup>(4)</sup>"Presbyteries, Sessions, Assemblies must down; the Bishop and his Official, the Warden and the Clerk, and the Priest of the Parish must up; the new Forms of Baptism, Eucharist, Marriage, Burial, Prayers, Psalmes, Preaching, must be received under the pains of deposition, excommunication, and horn: ing; who will not yield, he is a seditious, factious rebell, not only against the Kirk and the King, but against God and his fifth command." That does not exaggerate the crisis as it faced many thinking men; with the spirit of Melville not dead but slumbering, what else could be expected but trouble?

It is clear also that the immersion of the Bishops in secular affairs/

- (1) Guther 17.
- (2) Baillie 2.
- (3) Peterson 167.
- (4) Baillie 5.



They were not helped by their secular status

n their extravagance

affairs had exalted their temporal authority at the expense of their spiritual. James and Charles had both meant well when they endeavored to increase the dignity and position of Scottish Churchmen. Neither can they be blamed for calling into their councils men of the ability and culture presumably possessed by the Bishops. But the end had belied the expectation. The Lords of the Clergy were as eager for place and power as any tuft hunter about the Court, while they could intrigue with the best. By the year 1637<sup>(1)</sup> there was no office a Bishop might not expect, and there was little real authority that they did not wield. Archbishop Spottiswoode was Lord High Chancellor, an office he had snatched from Lorne himself, while the Bishop of Ross missed the Treasurership by a hairsbreadth. The possibility of an ecclesiastical bureaucracy was naturally displeasing to the nobility who had come to look upon the high offices of state as their own prerogative. Undoubtedly the Bishops would have served their country far better if they had not laid themselves open to the charge that most of them openly hunted for advancement, state office and pensions, while they cast<sup>(2)</sup> modesty, painful lecture, preaching, and such other ecclesiastick virtues underfoot". Once again it is not the truth of the charges with which we are concerned as that they were believed to be well founded. While eager for state advancement, not in itself an unworthy ambition, their private lives did display an extravagance and a luxury out of keeping with the simplicity of the Kirk and the poverty of the people. It is true they were but imitating the lordly prelates over the Border, but there were wiser things to do in Scotland in the XVII century than to imitate England. The extravagance<sup>(3)</sup> of Spottiswoode was notorious. "It is said himself and his children will be sixteen or seventeen score of thousand merks in burden. His estate of Bishoprick Priory Chancerie will be better than forty thousand pounds a year. His train and house have ever been naught exceedingly." Both the Archbishop and the Dean of Edinburgh were reckoned to have in their possession royal protection to hinder any execution of law against themselves or their company for debt. Too much trust need not be paid to Baillie's gossip, though quiet living Bishops would not have been liable so to be aspersed. Much of their

(1) Mar. 26. ✓

(2) Id. ✓

(3) 75 ✓

The Part played by the nobility

The Fear of Popery

reputed avarice however simply consisted in their desire and efforts to reclaim for the Church its old splendour .... an endeavour that might have been expected to ensure the support of all churchmen. But not only did it fail to enlist the ministers on their side; it did something more fatal; it alienated the nobility.

The part played by the nobility in the movement which culminated in the Assembly of 1638 cannot be minimised; at the same time no one is likely to claim that the nobility were inspired to action solely by a zeal for pure religion. We may not uncharitably assume a mixture of motives in which fear of the result of the action of the Commission on Teinds and envy of the prelates had no insignificant share. Argyle bore the Archbishop no ill will for the loss of the <sup>(1)</sup>Chancellorship and others had no relish for the showers from the Fount of Honour descending upon these upstarts, for such the Bishops could not but be in the eyes of the most turbulent grasping and proud aristocracy of Europe. The Covenanting movement developed as one of its aims the smashing of the Episcopal power and the noblemen could smile at the fears which the King endeavoured to instil into their hearts, that <sup>(2)</sup>they were exchanging a beneficent government for an ecclesiastical tyranny. The nobles could take care of themselves. In <sup>(3)</sup>one juncture at least they had shown the Presbyters the mailed fist. They could be trusted so to do again if ever there was need. And the rehabilitation of the Lay Eldership gave them a firm grip of the situation.

One more reason, and not an unimportant one, for the unpopularity of the Bishops was the dread of Popery. The Kirkmen and the laymen of Scotland were not at all sure in their minds of their safety from the machinations of Rome and the Episcopal Bench seemed to toy with that danger. Even the King himself with a wife of the hated Faith was not above suspicion, and Laud by all his actions did nothing to allay fears that were there even though they may have been groundless. Whether or not there was an effort on foot to effect a reconciliation with Rome, popular opinion in Scotland had made up its mind that there was, and the Bishops suffered accordingly. The Edinburgh Riots cry was "A Pape, A Pape", when the storm broke over the Service Books. Rome was/

(1).

(2) Peterkin 81.

(3) Anti page. 14-15. Bulli 99.

The attack begins

was still Antichrist. The Service Book was quit of the trash of the English liturgy only to be suspected of being little better than the Mass Book. So Baillie tells us. He himself suspended his judgment till he had seen the Book; what he thought when he had seen <sup>it</sup> will be found in his lengthy parallel of the Liturgy and the Mass Book wherein is clearly demonstrated not only that the Liturgy is taken for the most part word by word out of these antichristian writings, but also that not one of the most abominable passages of the Mass can in reason be refused by any who would cordially embrace the Liturgie as now it stands." His letters from 1637 upwards are haunted by the thought of Rome "the whole people thinks Popery at the door; scandalous the pamphlets which came daily from England add oil to the flame. The barricade of Paris, the Catholick League of France is much before my eyes; but I hope the Devil shall never find a Duke of Guise to lead the bands." "When they troubled us with ceremonies the world knows we went on with them so far as our duty to God or man could require; but while they will have us against all standing laws to devour Arminianism, Popery and all they please, shall we not then bear witness of the oppression, though we should die for it." Or again you find authoritative expression given to the fear in the Extract Bill of Suspension for Alexander Henderson and others. The Ceremonies contained in the Book are declared to be in points most material to Rome., for her Hierarchy doctrine, superstition, and idolatry in worship, tyranny in Government and in wickedness, every way as antichristian now as when it came out of her." We have not to consider whether the fear was well or ill founded; we take notice of the fact that the fear was felt while the Bishops did nothing to show whether the fear was groundless.

Being so unpopular and so suspect for many reasons, it was inevitable that they should be attacked sooner or later. It was not long before the attack was developed. In the Petition of October 18th 1637, the Bishops are held to be responsible for the Service Book and the Book of Canons, contrary to the pious intention of a gracious sovereign. By their action they had wronged the King, undermined Religion/

(5) Peterkin 56.

(1) Baillie 4.

(2) H 23.

(3) H 30 ✓

(4) Peterkin 53. - Wariston 348.





Religion, and caused discontent in the Kingdom " We out of duty to  
 G  
 God, our King, and native Country complain of the foresaid Prelates  
 humbly craving that this matter may be put to trial and these our  
 parties taken order with according to the Lawes of the Realm." Here  
 is the demand for their ~~best~~ trial; a second blow was aimed at their  
 prestige. "They be not suffered to sit any more <sup>as</sup> judges till the  
 cause be tried and decided according to justice." The result of  
 this action was soon seen; the Prelates gave up attendance at Meet:  
 ings of the Council. They had no desire for the question of their  
 status being raised in a body already so unsympathetic towards them  
 as the Council. Some of them already scenting the storm crossed the  
 Border. The protestation of February 19th 1638 harps upon the same  
 string. "We protest that the Archbishops and Bishops cannot be im:  
 :puted or esteemed lawful judges to sit in any Judicatory in this  
 Kingdom, civil or ecclesiastical, until <sup>after</sup> ~~their~~ lawful trial judicially  
 they purge themselves of such crimes <sup>(1)</sup> as we have already laid to their  
 charge." There might be sound reason for this "Declinator"; there is  
 not so much for their unconstitutional demands that no Act of Parlia:  
 :ment passed by the Council in presence of the Prelates should be  
 held to be prejudicial to the Supplicants. The signing of the  
 National Covenant was another move in the campaign, and Spottiswoode  
 is reported to <sup>have seen the</sup> ~~assume~~ significance of that event. "They have thrown  
 down in a day what we have been building up for thirty years." On  
 March 27th of the same year in their demands from the Lord Treasurer  
 the Covenanters held by their two demands. The authors and cause of  
 all the innovations complained of must be tried and censured accord:  
 :ing to the Acts of the General Assembly, for it was against all law  
 and reason that they should without due censure be suffered to revel  
 at their pleasure. Another demand makes itself now heard. Ministers  
 who vote in Parliament must hold themselves bound by the Caveats of  
 the Montrose Assembly of 1600 and by any other Cautions that may be  
 laid down as the fruits of the experience of 37 years. These two  
 demands are repeated in more moderate and temperate language in the  
 Articles for the Present Peace of the Kirk and Kingdom. of April 28th.

But/

- ① Peterkin 60. ✓
- ② Peterkin 62. ✓

The King ready to overrule them

But the Covenanters were not content with academic remonstrances; they had <sup>taken</sup> ~~gone~~ to action. Ministers were being ordained in the Presbyteries without the knowledge of the Bishops and the Institution of the permanent Moderator of Presbytery was being attacked on every hand .... a thorough <sup>(1)</sup> going defiance of the Episcopate and an indication of how already the Bishops hands were losing grip.

The King had at length to take action. In the instructions he gave to Hamilton on his appointment as High Commissioner, there are two hints that the royal favour towards the Bishops was waning. Hamilton is to shut his ears to no complaints against the Lords of the Clergy who are to be advised to return to their Dioceses. Their flight to England is evidently displeasing to him and he seems convinced that they had been acting in such a way as to deserve censure. But if the men are to be ~~det~~ <sup>g</sup>ettisoned, the office must remain sacrosanct. Hamilton must have nothing to do with any complaints against the Office. (By this time Johnston <sup>(2)</sup> conceives the new movement as a Reformation that is to strike at Episcopacy as the root of Papacy and the Chair of Antichrist.) By July 13th the antiprelatical campaign had made much headway for by that date <sup>(3)</sup> Rothes is sure that with practical unanimity they can secure that the Bishops should be bound by all the strait Caveats and that they should be liable to censure at the General Assembly and above all should be censured for their past misdoings. Rothes was clear sighted enough in many ways; it looks from this letter that he and his party would have been quite content with this measure of reform. But an Episcopate so shorn of its strength was not yet attractive to the King while men like Johnston disliked it in any form. The King was prepared to go far but yet not far enough, though his instructions to Hamilton of July 27th are couched in moderate terms. If an Assembly is held, the Bishops must have the right to vote in it and it is desirable that its Moderator should be a Bishop, But the office of Bishop is not to be abolished; it is to be restricted as little as possible and a Bishop must be free to accept civil place. They, the Bishops, are to be accountable to a General Assembly to be held a twelve month later; any Bishop accused of crime must be tried but there is to be no meddling

with/

(3) Peterkin 76.

(1) Peterkin 64.

(2) Diary 348.

The Complaint and

with their precedence for that is a civil not ecclesiastical matter. There is a difference between what Rothes imagined possible and what Charles seems prepared to allow, but we may take the royal statement to be the maximum of his demands .... a maximum that might be curtailed in the course of negotiations and in the hope of a peaceful settlement, But even if we make this allowance we must remember that Charles with his eye upon the ~~Three~~ <sup>only</sup> Estates of the realm can see that the Episcopate was essential to the Constitution of the country; Rothes and his friends had no such belief. The reception given to the King's proposals was not flattering. Hamilton himself stands by Episcopacy as the form of ecclesiastical government most agreeable with Monarchy (a significant statement which with its implied criticism of Presbytery lays bare one reason for a good deal of the royal inability to grapple with the situation in a statesman-like fashion.) But the <sup>im</sup>illuminated powers of the Lords of the Clergy and their recent actions made it essential that their un-<sup>(1)</sup>varranted power should be remitted to the consideration of the Assembly. This warning seems to have impressed the King, for in his memorandum of September 9th he admits two propositions, first, that none of his subjects should be exempt from censure and trial of General Assembly, proceeding against them in due form and order and second, that Episcopal Government should be limited with such instructions as may stand with the laws of this Church and Kingdom already established .... a considerable advance on his opinion of July 27th that they <sup>it was</sup>~~were~~ to be restricted as little as possible. So long as the Episcopate could be preserved in any shape or form he would be content.

He was slow to believe that the erection so laboriously constructed by his father and adorned by himself could be in any great danger. Hamilton had warned him of its impending fate but he was unmoved. As late as October 20th he could write "as for the danger Episcopal Government is in, I do not <sup>(2)</sup>hold it so much as you do; for I believe that the number of those that are against Episcopacy (who are not in their hearts against Monarchy) is not so considerable as you take it." That illusion was to <sup>be</sup>speedily dispelled. There were subtle/

(1) Peterkin 79.

(2) Peterkin 93.



Contents of the Complaint

subtle minds at work on the side of the Covenanters who desired not to mend but to end Episcopacy. Johnston for all his youth occupied an important place in their counsels and was the very incarnation of the extreme party. For some time he had had no doubts as to what was necessary. For him the <sup>①</sup>Service Book had been the image of the beast, a vomit of Romish superstition. He felt called to the rebuilding of God's house and the casting down of the Kingdom of Antichrist. By the beginning of May he was confident, so he told his bosom friends Dickson and Livingstone, that God would not suffer them to settle until Episcopacy was overthrown and ruined, that great Mother of all our corruptions, novations, usurpations, diseases and troubles." So to believe with Johnston was so to work. And so it became daily clearer that the destruction, not the modification, of Episcopacy was the aim of a large section of the Covenanting party, and to make this end possible, everything was to be done that could add to the detestation in which the Bishops were held already, and to make them ridiculous. Baillie unwittingly shows the poisonous atmosphere of the period "No <sup>②</sup>kind of crime which can be gotten proven of a Bishop will now be concealed."

With the indictment of the General Assembly, and the provision in the Declaration, that any subject civil or ecclesiastic who had presumed to exercise illimited power, was to be liable to the censure of Parliament or of Assembly, the way was made open for the Covenanters to take definite steps against the objects of their wrath. The definite steps taken were the concoction and the production of the Libel of October 24th in which, as usual, the hand of Johnston is much in evidence. We have already <sup>③</sup>seen the efforts that were made to make this Libel authoritative, and how it was brought home as far as possible to the Bishops. It is time to analyse this document and see what is exactly the case that the Covenanters made against the Bishops, "pretended" or otherwise. Here we will find everything that could be said against them drawn up in more or less legal form. What are the charges then?

The Complaint or Libel is a lengthy document, like a Book

Gordon/

- ① Waristm 258, 261, 275...
- ② Baillie 108.
- ③ Anté.



Gordon calls it "false, odious, and scandalous" according to the larger Declaration. The charges set forth in it were more or less taken as proved by the Assembly, the only amplification being the personal accusations levelled against <sup>the</sup> moral character of each individual, the searching out of which was a task carried on with the utmost enthusiasm. It contains twenty one charges which may for convenience be classified in two groups, the first dealing with breaches of the Caveats of 1600, the second with breaches of Acts of the Assembly. As an addendum, so that the cup of their iniquities might be full, the Bishops are accused of a farrago of crimes, ranging from incest to neglect of family worship. Of this addendum little need be said. The Bishops as we have already seen had undoubtedly acted in defiance of the Conventions of the Kirk in many ways. It is true also that they may have been guilty of the charge of what Ecclesiastical Law calls Simonaical Practises. But no fair minded man can do anything but characterise the addendum as ~~anything else but~~ odious and scandalous and a sad reflection upon the Christian charity of the men who framed it. There was quite enough to be said against the Bishops on legal or quasi legal grounds without the introduction of vile personalities. But it looks as the accusers were not altogether sure of the strength of their legal case and were acting on the illegitimate principle of discrediting the opposition; or perhaps they had determined that if the Bishops could escape on legal grounds, they were to be got rid of on the moral charge.

The first seven charges deal with the Caveats of 1600. These Caveats were seven in number. No minister sitting in Parliament was to act in name of the Church without an express sanction from the Church; neither was he to consent to anything that might be prejudicial to the Church; He was to be content with the portion of Benefice assigned to him, and was forbidden to "dilapidate" that Benefice. He was also to minister to a particular congregation, to claim no power over the rest of his brethren in the administration of discipline, and to hold himself subject to censure from his brethren in Presbyteries, Synods, and Assemblies. There was no one Bishop, probably, who had not ignored one or all of these Caveats. But on the other hand, there was probably/

If they had not been repeated  
the history was still liable  
to have them brought forward  
as evidence of having entrained  
them. This part <sup>should</sup> be  
reconsidered. I m.

probably no single Bishop who had ever taken the oath to keep these Caveats. Here then is a weakness in the accusation. Men could hardly be accused of breaking rules they had never been asked to keep. More than that the Bishops had Law on their side for ignoring the Caveats. They were cited to answer for the breach of laws that had been, if not repealed, at least nullified by subsequent legislation. Only by ignoring the Six Assemblies and their consequent Acts of Parliament, could the accusers have any grounds for bringing this charge. The Bishops had acted under the sanction of these Assemblies and Acts of Parliament, and at the very least it was grossly unfair that they should be so libelled before the Assembly had decided to stand by or to abrogate these Assemblies. And in fairness, no man can be charged with a breach of law which to all intents and purposes is a dead letter at the time of his taking office. (1).

The rest of the charges deal with breaches of the Acts of Assemblies. They had voted in General Assemblies without warrant from their Presbyteries; they had usurped the Moderatorship of Assemblies; thus depriving that body of its right to elect a Moderator by common consent; they had solemnised marriages without the proclamation of Banns, kept yearly fasts, admitted an order of preaching deacons, appointed ministers without a particular charge, and in cases had thrust men upon a cure without the consent of the congregation. They were tainted with heresy, guilty of insisting upon illegal oaths from men entering upon the ministry. They had usurped to themselves the title and honour of Lords, had taken their seats as Senators of the College of Justice, as members of the Privy Council, and as High Officers of State. They had refused to be tied to a particular congregation, they had taken the name of Bishop, and had introduced innovations like the Court of High Commission, and the Service Books, which would have overthrown the whole frame of the doctrine of the Church if the Lord had not prevented them. Such is the burden of the charge. Now it is true there were Acts of Assembly, guarding against such deeds. But the Acts establishing Episcopacy had annulled them or made them all dead letters. A Bishop could hardly be blamed if he took his office seriously and acted like a Bishop, and the Bishop whether he/

(1) The charges of the declaration of 1706 are mostly correct.



The Curator had also not been  
repeated, & therefore we might  
argue for the other side that they  
also were still the law & the land.

The Declinals

he was approved of by the community or not, had law behind him. In the Assembly of 1638 Johnston might<sup>(1)</sup> say "I know certainly that the office of Bishop was never established by any Act of Parliament. But the facts are against Johnston. He is guilty of either ignorance or of a deliberate lie. No one who has struggled through his many covenanting manifestoes can accuse him of ignorance. Acts of Parliament passed in 1606, 1612, and 1617, made the position of Bishop as legal as law can make it. It is possible to argue that these Acts ratifying Acts of Assembly, were encroachments upon the liberty of the Kirk; that they had been imposed by arbitrary authority; that the Assemblies themselves had been no true Assemblies. But till argument succeeded in forcing repeal, these Acts were still the law of the land, and it was absurd to make it a charge against the Bishops that they had been what they were appointed to be. Here again we see the significance of the moral charges. The legal case was weak, but he would be a fortunate man who could escape conviction on the moral charge before judges who were ready to admit the likelihood of the truth of any charge that could be brought against a Bishop. This was no afterthought. It lay at the very foundation of the attack upon the Bishops. The proceedings of the Assembly show how unfair the whole Complaint was. Only by annulling a series of Assemblies and defying Acts of the Realm could the Covenanters make headway. It was slippery ground on which to stand. But the attack upon character could stand by itself if all else failed.

The Complaint of October 24th gives the case against the Bishops. The Declinator and Protestation<sup>(2)</sup> against the pretended Assembly puts the situation as seen from the Episcopal and Royal point of view. A draft copy had been submitted to the King, and we have his comments upon it. He suggested one or two omissions and insisted on the deletion of the word "pretended" before Assembly, a word that fulfilled two purposes; it was a retort in kind to the Covenanters who never spoke of the Bishops except as "pretended"; it also summed up the Declinator in a nutshell. In the eyes of the Bishops the Assembly could not be an Assembly. The Declinator is ~~an~~

another/

(1) Peterkin . 167. ✓

(2) Peterkin . Declaration N & et seq. ✓

(3) Peterkin . 103. under the name Burnett. ✓



another of the lengthy documents of the period, equalling in length the Complaint and Libel. Brevity and compression were graces of style unknown to the polemics of the age. It is a scholarly enough piece of work, and deserved something better than the laughter with which it was derided in the Assembly. But by that time no document on the Episcopal side was likely to receive a fair hearing. The minds of members were for the most part made up. But its reception shows, if nothing else does, with what instability the Episcopal edifice had been built. In 1637 the Bishops were a power in the state; in November 1638 there was scarce a man so poor as to do them reverence.

The Declinator is of course a refusal to look upon the Assembly as a lawful court, and the grounds for this refusal make it plain why the Bishops could not obey the royal summons to attend the Assembly, and "to do and to perform <sup>o</sup> all which to their charges in such cases appertaineth as they will answer to the contrarie at their highest peril." They admit that an Assembly is an effectual and a necessary means for the establishment of order. They admit also that the Assembly has been indicted by the King in accordance with his royal prerogative. But many causes intervened to nullify this validity. Commissioners had been chosen or arrangements had been made for their being chosen before even the Assembly was in:dicted. Many of the ministers had not taken the oaths of fidelity and supremacy, nor had they subscribed the Articles of Religion in presence of Archbishops and Bishops, as prescribed by Act of Parliament of 1572. Members had refused to subscribe the King's Confession of Faith, and contrary to Acts of Parliament, to recognise the dignity and privileges of the Lords of the Clergy. Even if Commissioners were free from such charges, their election was invalid, because Presbyteries, by deposing their permanent Moderators and disclaiming the authority of Bishops contrary to Act of Assembly 1610 and Act of Parliament 1612, had no legal power to elect. The introduction/

① Proclamation 1 Sept. 22<sup>nd</sup>!



introduction of lay elders into the Presbyteries, so equalling and in cases of voting, outnumbering the ministers, was enough in itself to invalidate all elections, as the eldership, after a desuetude of forty years, had lost any powers that it might ever have possessed. Apart from all such nullities in the election, members had in various ways shown themselves unfit to voice in any Assembly. By sermon and pamphlet, they had impugned the King's honour and authority, by depriving all sovereignty from the people. Many were under the censure of the Church, and many who were not had deserved to be, on various grounds of discipline and order. The share of the lay elder in the election of Commissioners was bad enough; their exercising a decisive voice in a General Assembly was against Reason, Scripture, and the Practice of the Church. The presence of laymen in the Assembly, intelligent, moderate, and authorised by the King, is most commendable. But that any layman, except that he be delegate by Sovereign Authority shall presume to have a definite and decisive voice, we esteem it to be "intrusion upon the Pastoral Charge and without warrant." And here they quote in Latin (in derision perhaps of an Assembly they held to be illiterate) from such far off authorities as Pulcheria the Empress, Theodosius the Younger, and Martin in the Council of Chalcedon to show that only Bishops should have the handling of ecclesiastical matters. Apart from all these considerations, this also had to be remembered, that these Commissioners were disqualified to act as Judges, as already by their public utterances they had committed themselves against Episcopal Government, and the Five Articles of Perth "Therefore by no law nor Equitie can these pretended Commissioners be admitted to determine in this meeting concerning these persons and points which beforehand they have so unjustly condemned." A judge must not only be impartial; he cannot also be a party. Many of the Commissioners had shown themselves, by their actions, to be parties to the case; by word and writing they had calumniated the Bishops; they had uttered an infamous Libel, and the Tables of which some of these Commissioners were so important a part, had taken thorough measures for the prosecuting of that Libel. The measures taken/





taken are quoted at length; they are an interesting example of the efficiency of the Covenanting propaganda methods. There was enthusiasm enough, but nothing was left to chance. Johnston's hand is seen everywhere, and the Bishops were left little chance of escape. The Presbytery most concerned was to have a special complaint made against its Bishop. To avoid the appearance of parties being judges, only such as were not members of Assembly were to press their complaint. In each Bill the faults and transgressions of each victim were to be inserted. Each Presbytery was to refer the matter to the Assembly; upon which reference the Presbytery would admonish the complainers to be present at the Assembly for the purpose of verifying the complaint. The Bill and the Reference were to be read from each pulpit within the bounds, and the Bishop in question was summoned to attend the Assembly. The Presbytery was to minute the Complaint in full and a copy of it was to be sent to each Bishop by the Presbytery Officer, along with a summons to attend the Assembly. Each Cathedral Presbytery was to keep in touch with the other Presbyteries of the Diocese. Some of the complainers acting for the others were instructed to be present at the Assembly. In the event of any Presbytery refusing to take action along these lines, Complainers might take Instruments and protest against such a refusal, and the Protestation, being looked upon as a final citation, should be affixed to the Bishop's dwelling or Cathedral Church. If a minister were to think some heads of the Complaint irrelevant, the General Assembly was to be the judge of the relevancy. The *Libel* as a whole was <sup>directed</sup> against the Bishops as a body, and consequently it was not necessary to find any one individual guilty of every charge. These are the instructions upon which the Presbyteries acted, and the Bishops' re: monstration against them is reasonable enough. According to the letter of the law, none of the complainers were members of the Assembly. But if the hands were the hands of Esau, the voice was the voice of Jacob. Rothes, Loudon, Henderson were the prime movers. To all intents and purposes they were the accusers and they were also the judges.

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The Declinator next proceeds to protest against the reading of the scurrilous Libel, against all charity, against all scripture, against all law, against Acts of the Assembly, against all equity, (They were cited not by the Assembly, the Judge, but by the Presbytery before which they were never even summoned to compear.), against all decency, and with all malice. No one but can have full sympathy with the burst of eloquence which follows. "We call Heaven and Earth to witness if this be not a barbarous and violent persecution that all circumstances being considered hath not the parallel since the beginning of Christianity."

The Libel being disposed of the Declinator proceeds to state the grounds on which it affirms the nullity of the Assembly. Against all reason, and the practice of the Church, they had declared in their public documents that no Prelate could be a member of Assembly unless he were sent by a Presbytery. On the contrary, no Assembly could be valid unless the Primate or a Bishop were presiding "For is it not more agreeable to reason Order and Decencie that out of Moderators of Synods who are Bishops a Moderator of the General Assembly should be chosen, than out of the inferior Clergy subject to them." Any Acts of Assembly to the contrary were all abrogated by the Acts civil and ecclesiastical of 1606, 1608, and 1610. Last of all was it not absurd that Archbishops and Bishops should be tried by Presbyteries, should be tried by a combination of Presbyters and Laicks? It is interesting to note that this Article was disapproved of by the King. The Bishops insisted that they did not refuse to be tried by a competent judicatory such as a General Assembly lawfully constituted. They were right, comments the King, to contest the legality of some of the elections, but they must not infer a total nullity of the Assembly. So thought Charles before the Assembly met; he was to revise that judgment.

For these reasons then the Bishops confessed that the Assembly must be held null and void and prejudicial to no man. They protest that no Act of the Assembly which ran counter to previous Acts of Assembly and of Parliament is to be reckoned the Deed of the Church of Scotland. They protest that they hold by their Religion professed

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 (1) Declaration 259. ✓  
 (2) 26. 261 ✓  
 (3) Peterkin 106. ✓



in Scotland, according to the Confession which was ratified by Parliament in 1657; that Episcopal Government is lawful and necessary; that they themselves are willing to live in peace with all men, laying aside all hatred and bitterness and envy, and they were ready not only to lay down their Bishoprics at the King's feet but also to lay down their lives as a sacrifice and atonement. Not out of fear or a sense of guilt or dread of trial, but out of conscience and duty they made this Declinator and they prayed for a free lawful and General Assembly such as God's word, the practice of the primitive Church and the Laws of the Kingdom do prescribe, at which Council any of the Clergy who were called in question would be ready to abide trial either for the purpose of clearing his innocence or for suffering condign punishment.

Of the two Documents, the Complaint and the Declinator, the latter is the more creditable production, both in matter and manner. But it was not left unanswered. It was the day of replies and duplies. The controversialists of the period deemed nothing said while anything remained still to say if one may alter 'Lucan's great tribute to Caesar. We have seen in the proceedings of the Assembly that the inevitable Johnston produced one answer while Andrew Ramsay, too busy now to think of retiring to his lairdship, had another. In the end of the day these two answers were set forth in a third form, a treatise of portentous length in which many important subjects are handled with the utmost minuteness of criticism, As a matter of fact, the strength of the Declinator lay in two points; first that the Assembly being a party could not be also a judge, and second that the Assembly was nullified by the presence of lay elders. The presence of the lay elder while disconcerting to the Bishops who knew only too well on which side the weight of the covenanting nobility would be thrown was perfectly in order as we have already seen. The charge of partisanship has something more to be said for it, and yet even here there was a relevant answer. The right of General Assemblies to try and censure the Bishops was never in question; it was admitted even by themselves. But the nature of such a judicatory is that in any case affecting the Kirk as a whole like/





like the censure of Bishops, it can hardly escape being both party and judge. As the Supreme Court of the Church that had presumably been wronged, it was at once the complaining party and the judge. At bottom the phrase about party and judge is about as meaningless or as full of meaning as the cry for a Free Assembly. There could be no such thing as an Assembly absolutely impartial and elected without the pressure of partisanship; neither could there be an Assembly that was able to deal with the position of the Bishops without bias. By a Free Assembly the King obviously meant ~~an~~ Assembly that would see eye to eye with him; by an impartial Assembly the Bishops meant an Assembly that had a leaning in their favour.

The truth is, a stern truth, that by the time the Assembly met there was no possibility of a compromise between Episcopacy and Presbyterianism, and the Bishops could not escape being made the victims of the clash of the two systems. The King might hug the illusion that Episcopacy could be preserved, but it was an illusion. Argument or no argument the Covenanters were <sup>convinced</sup> ~~certain~~ of two things that Episcopacy had been a burden to the country and that it was an innovation. That it had been a burden so the distracted state of the Church showed. Nothing could convince men like Henderson to the contrary. That it was an innovation the Assembly was prepared to prove, and Scotland has never been too fond of innovations. The Declinator may be written in a strain of sweet reasonableness, but it could not appeal to men, some of whom in former days had their tempers irritated by Episcopal pride and ambition. The day of humiliation tends to breed a gentler disposition than the day of prosperity. The sole result of the Declinator was to make impossible any chance of reconciliation. The Bishops might have been forgiven everything but the Assembly could have no mercy on the men who called in question its legality and authority. And yet as men of spirit, as men belonging to an order that had law and forty years of custom behind it in Scotland, to say nothing of the preformation centuries, what else could they do but refuse to acknowledge an Assembly that had been packed with <sup>every</sup> ~~very~~ keen antiepiscopal partisan in the country?



It is an interesting speculation what would have happened had the Bishops faced the Assembly. The Covenanter expected them or at least their champions to appear, witness the instructions of the tables for the best men to get ready to debate questions like De Episcopatu. The Aberdeen Doctors were expected, but distance or apprehension dissuaded them. The King had expected My Lord of St. Andrews and the rest of his brethren to be present to defend themselves and their cause. But the Libel made such an appearance difficult and undignified while the Declinator made it impossible. And yet it may be that had Spottiswoode and his Colleagues appeared before the Assembly, some of them venerable in years and deserving of reverence if not of act<sup>ual</sup> of sympathy, they might have worked out the King's purpose, the purpose for which the Commissioner strove so hard, of dividing it. At the very least they might have met with gentler handling. Abominable accusations might have been withdrawn. Deposition or suspension would have been the worst; it was the attack upon the legality of the Assembly that made the keen men drive the nail to the head. The way too would have been made much easier for further reconciliation, and the King would not have been mortally offended. But the Bishops were placed in a difficult position. They stood almost alone. They took the course that seemed to them best, and played into the hands of the enemy. Men are not lifeless pawns to be moved hither and thither. They have passions and desires of their own, and the course of action that to-day ensures success to-morrow spells failure.



# VIII. THE ASSEMBLY....ITS VALIDITY AND IMPORTANCE

The Assembly of 1638 is in some respects like the six Assemblies it expunged, a controverted one. Opinions about it range from regarding it as as the Second Reformation to characterising it as theologically nothing worth and an instrument of fraud and violence. But quite apart from such a partisan criticism reasonable objections have been brought to bear against it on two grounds, first the legality of its constitution, second the legality of its decisions, with a third point emerging something like this. Grant that its constitution was above reproach, was it right for the sittings to be continued after the Commissioner in the King's name had dissolved it? The whole position as it appeared to contemporary hostile critics is set forth in more or less the same terms in three documents; the final speech of Hamilton at the Assembly as reported by Burnett, the Proclamation of November 29th which discharged the Assembly and the Proclamation of December 8th which dealt with the new situation arising from the Assembly's refusal to be discharged. To these must be added the comments of the Larger Declaration. In these documents we find the case against the Assembly stated at presumably its strongest. What are the points of the case? ~~First of~~ <sup>begin</sup> <sup>ly</sup> ~~First of~~ <sup>with</sup> <sup>an</sup> all there is the attack made upon the obstinacy and ingratitude of the Covenanters. At the back of this attack is the familiar conception of a kind hearted ruler who desired nothing better than to do his best for his subjects but who was thwarted and hindered in all his efforts by stubbornness and ingratitude. This conception colours all the royal documents. Looked at through the King's eyes, the conception is well based. The concessions he had granted could not appear to him in any other light than as derogations from the royal prerogative, to uphold which to the last jot and tittle had been the faith in which he had been reared. He had granted his refractory subjects all that they had desired, sore though it went against the grain. The Service Book, Book of Canons, the

Court/ (1) So Grub!  
 (2) Peterkin 116. L. Declaration. 290 Peterkin 124. - the account here is taken mainly from the Proclamation dated December 8th.





Court of High Commission ,the Articles of Perth , all these had been discharged . The Bishop was no longer to be beyond the grasp of the Church but subject to the censure of Assembly , Parliament or any competent Judicatory , while so far was the King from countenancing Popery that of his own accord he had commended a Confession and Band for securing to all his Posterity the Truth and Liberty of Religion. How had he been rewarded. By the blockade of the Castle of Edinburgh , ( a deed which rankled in the royal breast and no wonder for the Castle held the command of Scotland and a strongly held Edinburgh Castle might quite well be a decisive factor in the appeal to the arbitrament of the sword for which he was preparing); and by the persistent meetings of the Tables which without warrant , convened and treated upon matters both ecclesiastical , and civil , and demanded obedience to their behests , to the open prejudice of authority and lawful monarchical Government . ( This criticism is fair enough; the men who dominated the Tables were the Mayors of the Palace ).m

Such is the Preamble .The inference to be drawn from it is that Charles had to deal with a refractory and rebellious people from whom rebellion and acts of disloyalty might be expected, and the Assembly itself being an Assembly of rebellious people could not be countenanced by any right thinking men. But definite charges are brought against the Assembly. ~~First~~ The Tables had interfered in the arrangements that were made for it. Through their means, men had been chosen in illegal fashion to sit in the Assembly, men , many of whom were ~~not~~ not eligible for membership on other grounds. Presbyteries had been influenced to defy the law , by casting out their permanent Moderators and by thrusting in the lay elder with power to vote in the choice of Assembly Commissioners , both lay and clerical. More than that, they had sent out secret Instructions which made it impossible for any one except a Covenanter , to be a member of the Assembly. " whereby it is most evident what prelimitations and indirect and partial course and dangerous propositions have been versed in the preparation and election.

## VIII... THE ASSEMBLY ITSVALIDIT

to this pretended Ass<sup>205</sup>embly ". " These were reasons enough for prohibiting the meeting of the Assembly ,yet we pleased Patientlie to attend the same in the hope that they should return to the due obedience of subjects. ". But his hopes had been falsified. They had attended the Assembly with great troops and bands of men , with guns and pistols contrary to the laws of the Kingdom and in high contempt for the Proclamation of November 16th . They had refused to allow the ~~royal~~ <sup>royal</sup> assessors to vote , granting the Commissioner himself no more power than the meanest member ( than " James Cochran Taylor " for instance ) ; they had chosen a Moderator and sustained Commissions without listening to the requests of the Royal Commissioner and without regarding the reasons urged by the Bishops against such action ; in spite of his Proclamation which had discharged all their grievances ,they had refused to be content with anything less than the overthrow of Episcopacy , the abrogation of laws of the land , and the abolishing of the Three Estates contrary to express Acts of Parliament . To prevent such mischief, to prevent worse mischief ,he had dissolved the Assembly , though his Commissioner had been willing to give them time to think over the consequences of their actions ; only to be met with an extraordinary Protestation which presumed to suit and call the Council in question for their dutiful resistance and obedience . For such reasons the Assembly had been discharged under pain of treason ; but the Proclamation had been defied. And so he was driven to do two things, to relax all obedience to such an unlawful Assembly and to declare that as he had never meant Episcopacy to be abjured by the Confession of 1680 ,so he forbade all subscription to it in any other sense.

Such is the gist of the King's case and though it has been elaborated by later writers we may take it that had the King been able to make his case stronger ,he would have done/

to make it not be better to leave <sup>out</sup> such  
references

done so. He refuses to <sup>206</sup>admit that the Assembly is a valid one and that for three <sup>sets of</sup>main reasons. First there was unlawful interference with the elections. Second there was unlawful action on the part of the Assembly. Third the Assembly had unlawfully continued its sittings after its legal discharge. Do these reasons discredit the Assembly?

One general observation may be made first of all and that is, <sup>(1)</sup>that when the King reviewed the Bishop's declinator on October 19th he seems to admit that the ~~Acem~~ Assembly was perfectly in order though there were ~~what~~ to his mind were gross irregularities about the preliminary proceedings. The Bishops are not to refer to the Assembly as "pretended". At that stage then, Charles who was conversant with all that had taken place was not inclined to put too much stress upon the argument drawn from the Interference of the Tables in the elections. Nor can <sup>any</sup> much stress be laid upon it. The elections were manipulated in the interests of the Covenanting party. All kinds of pressure open and secret were brought to bear to secure a united Assembly. Sensitive consciences may feel that much was done in an unscrupulous way; that fraud and violence were used. But if every election is to be declared null and void because partisans have used their strength in a partisan fashion, what election ever could stand? It was in the nature of things for the Covenanters to do their utmost to have their own men returned and it was not an age when men went to work with a delicate regard for other men's feelings. The truth is that the complaint about the elections is simply the complaint of the defeated party and bears a strong likeness to the complaints made by one of the defeated parties in <sup>the present</sup> ~~the state at~~ what has been called the "coupon election of 1919". Had the Bishops weathered the storm and brought their own partisans in a majority to the Assembly, we should have <sup>had</sup> heard from the Covenanting side <sup>complaints</sup> of high handed unscrupulous action. The King had expected an Assembly that would have received his concessions/

(1) *Peterkin, 06. - see observation II.*





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concessions with gratitude and would have accepted his proposals with unanimity. Only when he found the Assembly independent and defiant, did he press and make the most of this charge. The Free Assembly each party craved for, was a figment of the imagination. The Assembly was bound to be as partisan as the majority party could make it, whatever the majority party chanced to be. This is not to deny that the action of the Tables was reprehensible from a detached moral standpoint. Quite apart from the effect of the secret papers (whether they were the genuine offspring of the Tables or not) full precautions were taken to see that none but Covenanters were returned. This is regrettable. Men like Baillie saw it to be regrettable that the Episcopal party had no spokesmen. But the Bishops certainly if they had had the power would have taken similar precautions for the protection of their own party, and with the memory<sup>ever fresh</sup> of the controverted Assemblies with their systematic manipulation<sup>of such</sup> still stinking in the nostrils of high Covenanters, it was not for King or Bishop to complain that the tables had been turned. That the Covenanters were so overwhelmingly successful in their efforts, is a proof not of their villainy but of the fact that what public opinion there was in the country, was with them. This fact King and Bishops forget. Their success then cannot in any way be taken as an argument for the illegality of the elections and for the consequent illegality of the Assembly. If the elections were illegal, the Assembly should never have been suffered to meet, whatever might have been the consequences.

With the question of the elections goes the question of the membership. The royal argument is that for various reasons men who were returned as members were unqualified to stand for election. It is a pity that some of the men in question ever appeared in the Assembly at all. So thinks Baillie. Some were deep in the royal disfavour for their republican views. Some had been under the censure of their own Church in Scotland and some were under the censure of the Church of Ireland. But they were all ministers in a charge. All their commissions had been approved and one and all had been declared by the Assembly







elected. There is no doubt at all but that the elder had his place in the reformed Church of Scotland. That for forty years the office had fallen into desuetude, is more an <sup>sub</sup> ~~an~~ argument <sup>7</sup> ~~against~~ its deliberate suppression by the Bishops who did not find it compatible with Episcopacy, than <sup>an argument</sup> against its validity. As for the part played by the elders in the elections ( and it was a big part ), it might quite well be that in certain Presbyteries, Lanark for instance, the laymen were in the majority. It might quite well be that a lay majority could always be obtained through the custom of forbidding ministers to vote who had been nominated for election. Sufficient ministers had only to be nominated and the majority was secure. But that surely has no bearing upon the validity of the elections. The nature of the institution makes such a contingency possible as it still makes it possible, while there was no ruling whatsoever to the effect that in the election of the clerical representatives, the laymen should not vote or should be in a minority. There may have been irregularities about the position of some of the elders, but here again no exception was taken to their commissions. It is hairsplitting to hold that their presence in the Assembly was illegal and it is also hairsplitting to insist upon their incompetence to deal with high and weighty matters of doctrine. The Assembly proceedings show that elders took an exceedingly prominent part in nearly all the discussions. Some of them were equally competent with the ministers on all the great topics while among the ministers there must have been men who were equally incompetent with incompetent laymen. But that is the weakness of every democratic Assembly. On most subjects there are specialists; the rank and file rightly or wrongly trust the expert. The Assembly then cannot be invalidated by the presence of the elder. Admittedly he was introduced as a weapon in the battle; admittedly he came forward to serve his own ends which were not all the way through religious or ecclesiastical. But his rightful place in the Church cannot be impugned.





The second group of objections are taken against the action of the Assembly. Here also there is retrospect for disregard of the Proclamation of November 16th in which the carrying of arms is made a special charge. Arms were certainly carried by members of Assembly against the royal order. The unsettled country was the pretext; the fear that the Assembly would be forcibly suppressed was the real reason. There is no use denying the fact that the country was trembling upon the brink of civil war or that if Charles could get his men up in time, there would be an end of the "damnable" Covenant and everything else. But even when it is granted that the Covenanters went to Glasgow "in warlike arms", this has nothing at all to do with the proceedings of the Assembly. Little stress either can be laid upon the refusal to allow a vote to the royal assessors. According to the Act of Assembly of 1592, which was the basis of all the assembly arrangements, only Commissioners duly elected by the duly qualified electing bodies had any right to sit in the Assembly. It is true James made much use of such assessors, but the strict constitutionalist never approved of the royal action. There is no need to discuss the matter further. Another stone of stumbling was the election of a Moderator before the reading of the Bishops' Declinator. But the Assembly procedure seems quite in order. No business can be brought before any gathering until that gathering is in a position to deal with it. The Declinator might have been read first but it would not have been the Assembly properly constituted before which it was read but an informal meeting of Commissioners. The pressing of the Declinator was of course a tactical move in the game. Its early reading might have precipitated the Assembly into discordant elements. Of that fact the Covenanting leaders were aware and they made skilful use of the constitutional procedure to frustrate the manoeuvre. In their judgement the Declinator was a contumacious document. By the law of the Church the Bishops were subject to General Assemblies; indeed were liable to examination by annual Assemblies. The King had admitted the lawfulness of the claim. It was presumption /



then for the Bishops <sup>211</sup> to issue their Declinator . That was the outlook of the Covenanters. But whether their attitude is justifiable or not , the Assembly kept within the bounds of its constitution when it refused to deal with any business until it had been properly constituted.

A third line of attack seems more deadly. It is to the effect that the Assembly was in the wrong when after its discharge by the Commissioner it continued its sittings. This is indeed an important matter. Was the Assembly right in refusing to be discharged and was the royal Proclamation ultra vires? The courage of Henderson is certainly to be admired. His action carried with it the promise of civil war. The claim asserted was the claim of the Church to stand by what it believed to be its inalienable rights , King or no King. It was a great stroke for freedom. The Church of Scotland was not to be the toy of the royal whim. But whatever the Covenanters did , they always acted from a wealth of reasons. In this matter their action was deliberate , not accidental. Long before the Assembly met, they had given expression to their views as to the rights of the Assembly as a court of the Church of Christ. The statement of the case is to be found in a document drawn up by Henderson and the best wits of the party. It is in two parts , of which the one is an exposition of their position and the other , answers to objections. Briefly, it holds that by the light of nature, the promises of Christ , and the will of the Holy Spirit , Assemblies were the inalienable right of the Church . Both Roman and Reformed Divines agree that God may by his omnipotence or by way of miracle preserve his Kirk on earth without Assemblies , yet by the ordinary Providence of God Assemblies are necessary for the right governing of the Kirk . In addition to such high grounds they also saw in the disordered state of the times an urgent call for an Assembly King or no King . Heresy , abuses , shattered discipline , the need to strengthen each other , to restore faithful pastors and to punish heretics , these were weighty reasons/ 0) Stevenson 243.



reasons for the meeting of an Assembly . But as high thinking often clashes with hard fact , the main question to be decided was whether the law of the land authorised such Assemblies without the King's consent. Here they were on delicate ground. Was the Act of 1592 which acknowledged and ratified the Church's liberty to hold Assemblies , annulled by the Act of 1612 which placed the indicting of Assemblies in the King's hands ? . The legal minds of the movement were fertile in arguments to show that it did not . The Act of 1612 gave the King no new power, so it was argued. The intention of that Act was to ratify the Assembly of 1610 in which Bishops admitted the necessity for annual General Assemblies to which they should be subject in life office and benefice . It gave the King the right to name the time and place but it did not in any way restrict the right of the Church to hold Assemblies when it pleased ... " that inalienable right of the Church. The King might order the holding; he could not forbid ; while if he refused to exercise his prerogative by appointing an Assembly , the Church had the right to appoint time and place. The Act of 1592 certainly authorised ~~one~~ <sup>a</sup> Assembly , in the absence of the King or his Commissioner, to appoint time and place for the next. Such is the argument. This inalienable of the Church sounded formidable in royal ears. " <sup>(1)</sup> When the Christian magistrate either forbiddeth or in the urgent necessity of the Church forbeareth to convene Assemblies , in point the Kirk is left to her own liberty and must provide for her own safety". If then the King could not forbid a meeting of the Assembly, still less had he any right to break it up after it had met. That would make it appear " <sup>(2)</sup> that Religion and Kirk Government should depend absolutely upon the pleasure of the Prince ". The reasoning is plausible. It had behind it, we may imagine the opinion of the Advocate Sir Thomas Hope . But it may be argued equally plausibly that as the intention of James by the Act of 1612 was to bring the Assembly wholly under royal control , then that Act must have meant the repeal of 1592 and the denial/,

(1) Objection 2. Answer 3. p 245. L.

(2). This reason for Protestantism - Nov 28. Petrus 177. L





denial of the " in<sup>213</sup>alienable right " of the Church. Even so the High Churchmen among the Covenanters could never have remained satisfied with such a derogation from the rights of the Church.

However, the King had discharged the Assembly. The Assembly had been lawfully summoned and had met under the protection of the King himself. Could the King discharge it simply because it had taken the bit between its teeth<sup>2</sup>. Was the duration of its sittings to be at the mercy of the royal caprice? There is nothing to show that the King had any right to end an Assembly just when he cared?. There was the duty perhaps of all loyal citizens to obey the royal mandates, but what if the King had gone beyond his powers?. Whether he had gone beyond his powers or not, he might have been sure he would meet with resistance. And the resistance was not unreasonable from the Covenanting standpoint. It was most unlawful in itself so they argued, and prejudicial to the privileges which Christ in His word had left to His Church, to dissolve or break up the Assembly of the Church or to stop and stay their proceedings. The King's right to discharge the Assembly is challenged, much more the right of the King's Commissioner. The Assemblies of the Church had always enjoyed the right of uninterrupted sitting without or notwithstanding any countermand. Such was the claim of the Assembly of 1582. If the King's action when he dissolved the Aberdeen Assembly of 1605 were counterobj<sup>1</sup>ected, the answer was simple. That had been an act of tyranny which the King would never have dared had he been King of Scotland only and had he not been supported by the arms of England. Such was the interpretation of the constitution of the Assembly as it appealed to its leaders. Two other arguments were brought forward. A dissolution at such a time would make the situation desperate. Men would be driven to lose all hope of ever seeing religion established and the innovations removed. In the second place a decision had to be come to on the two Covenants, the Covenant of the Nation and that of the King. The Assembly could not

1) *Return 177. Protestants, however 287.*



disolve " before it had tryed<sup>(u)</sup> and found and determined that both these Covenants are but the selfsame Covenants, the latter renewed by us agreeing to the true genuine sense and meaning of the first as it was subscribed in anno 1580". Such is the gist of the Covenanting apologia for their refusal to be discharged. They had a case undoubtedly. But there will always be two opinion. Some will hold that by refusing to obey the royal command, the Assembly was guilty of rebellion; others, that the disobedience was no disobedience but a brave stroke struck for liberty against overbearing authority. And that is the view that the Church<sup>o</sup> has adopted by its recognition of this Assembly. And indeed when the King's action is reduced to its lowest terms, what more flimsy ground could there be for discharging a great national assembly, than the plea that it was likely to act illegally.

The chief Acts of the Assembly against which exceptio<sup>(u)</sup> has been taken in later times are these,

1). The election of Moderator and Clerk and the constituting the Assembly before the reading of the Bishops Declinator.

2). The Acts approving the Registers.

3). The continuing to sit after it had been discharged.

4). The Acts condemning the controverted Assemblies, the Book of Service and other Books forced upon the Church by the royal prerogative.

5). The deposition and excommunication of the Bishops and other

6). The prohibition by its own authroity of Episcopacy and the Five Articles of Perth.

7). The Act against the Press.

Most of these points have been touched upon already in the course of the discussion. No reas nable objection can be taken against the Assembly's action in the case of the first four. It was within its rights in its election of a Moderator, in approving the Registers, in repealing the Assemblies and in condemning the Service Book and its companions. But the pro:

1) Peterkin 187.V

2) In a later discussion see Peterkin. 113-198.V



ceedings, are a different matter. The Assembly deposed and excommunicated the Bishops. By its own authority it prohibited Episcopacy and the practise of the Five Articles of Perth under pain of censure and excommunication. In so doing the Assembly set itself above the law of the land. It was open for the Assembly to come to certain decisions about Episcopacy, the Five Articles and the Bishops; these decisions could have been laid before Parliament and Parliament might or might not have ratified them. That would have been the constitutional procedure. So Henderson admitted when he confessed that the action of the Assembly was vain until Parliament had ratified what had been done. But acting in the spirit of their high flying doctrine that in ecclesiastical matters the Assembly was supreme over the civil power the ratification by which was a merer appendix, the Assembly took the ratification for granted and acted as if it had already been in force. That they acted so hurriedly and so illegally is due to their fear of the Bishops and of the King's army. But while that may be an explanation, it is not an excuse. For it is as clear as daylight that the Assembly took upon itself virtually to abrogate a series of Acts of Parliament by which Episcopacy had been fully and distinctly established in Scotland and established for a period of nearly thirty years. Under that establishment the great majority of the ministers had received ordination and benefices while the lay members had acquiesced in it without any very vehement opposition. It had endured for a longer period than any other form of organisation in the Church since the Reformation. The action of the Assembly was in consequence revolutionary. Violent in many ways it was. It sustained complaints against the Bishops and others at the instance of miscellaneous and self constituted public prosecutors, a practise never recognised at any period as competent by the law of Scotland. It deposed Bishops not solely for immoral life or

(1) Larger Declaration 390.



the Assembly not itself above the law of the  
land but has been repeatedly  
repeatedly and the President  
has again the question whether  
the President is not himself above the law of the

Is it absolutely certain that the act of 1892  
establishing President had been explicitly  
repealed?

erroneous doctrine ( <sup>216</sup> a step which was quite within their province), but mainly because they were the holders of an office that had been conferred upon them in accordance with the existing law of the land. It transported ministers from place to place regardless of the wishes of the individual or the rights of the patron. It attempted to check the liberty of the Press and under pain of excommunication attempted to coerce the whole community into signing the Covenant and the Confession according to the Assembly's interpretation. These were all acts of violence.

The prohibition of Episcopacy was revolutionary. Even without entering upon all the subtle arguments of the period and on both sides they are subtle and wire drawn, one finds it hard to see how by the Confession of 1580 an Episcopacy that had been introduced and established in later years, could be abjured. Such an interpretation chained the Church to the dead hand. It denied the right of the Church to admit any change; it was a retrograde step. And even the Confession of 1580 could not be taken as ~~the~~ able to override Acts of Parliament passed a generation later. For these acts were in existence and in practise. As we have seen Johnston and Loudon <sup>6)</sup> led the Assembly astray when they declared that Episcopacy had never been established by the law of the land. Johnston was a man who had the partisan gift of seeing nothing but what suited his own case. No one denies the right of the Church to abolish Episcopacy if it wished, but the heart of the trouble is that the Assembly acted in defiance of the laws <sup>of</sup> ~~the land~~.

The Assembly of 1638 was Revolution and in Revolution legal niceties go by the board. There is no use blinking the fact. But what has this Assembly to show to its credit? According to the letter nothing. All that it did had to be done over again in 1639 and in 1639 there was a tacit understanding to say nothing of 1638. But there would have been no 1639 had not the barriers been stormed in 1638. It was there the work was done for good or for ill.

① *Petersen 167.*



It was there that it was settled that for the years to come the Church of Scotland should be Presbyterian in organisation with the elder holding by the place for which the men of 1638 had fought, and that Presbyterian form of government has left a mark upon Scotland far different from the mark that Episcopacy might have left, again for good or ill. For that reason the Assembly is a landmark. It is, from the Presbyterian point of view, the Second Reformation. Not to say that many things were not jettisoned without which the Church in Scotland has been the poorer and which after the lapse of centuries she is beginning to recover. But your Revolution no matter how admirable is not always clear gain.

For another reason the Assembly of 1638 is memorable. It was the voice of Scotland flinging out its challenge to absolute authority and declaring Thus far and no farther. It would have been well for the King had he listened in earnest to men who at the heart were as earnest for the Crown as they were for the Church. It would also have been well for the leaders of Assembly in the day of their power to remember that there are other obnoxious tyrannies than ~~Monarchy~~ and ~~Episcopacy~~.